



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
TWENTY-FIRST SESSION**

ANNEXES

VOLUME III

20 SEPTEMBER — 20 DECEMBER 1966

UNITED NATIONS

Prefatory fascicle



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
TWENTY-FIRST SESSION**

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20 SEPTEMBER — 20 DECEMBER 1966

**UNITED NATIONS
New York, 1968**

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 twenty-first 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.

Errata

Agenda item 23

Page 40, 3rd paragraph, 1st line :

For took note of *read* approved

Agenda item 74

Page 99, against document No. A/C.5/1099, column "Observations and reference." should read :

Same text as A/6565. See *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 83

Page 100, against document No. A/6481, column "Title or description" should read :

Administrative and financial implications of the establishment of the United Nations Organization for Industrial Development: report of the Secretary-General

Page 100, against document No. A/6493, column "Title or description" should read :

Administrative and financial implications of the establishment of the United Nations Organization for Industrial Development: report of the Advisory Committee on Administrative and Budgetary Questions

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96.	Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty.
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Agenda item 72: Financial reports and accounts for the financial year ended 31 December 1965 and reports of the Board of Auditors:*

- (a) United Nations;
- (b) United Nations Children's Fund;
- (c) United Nations Relief and Works Agency for Palestine Refugees in the Near East;
- (d) Voluntary funds administered by the United Nations High Commissioner for Refugees

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1121st and 1128th meetings; and *ibid.*, *Plenary Meetings*, 1452nd meeting.

Abbreviations

ONUC	United Nations Operation in the Congo
UNEF	United Nations Emergency Force
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WHO	World Health Organization

(a) United Nations

DOCUMENT A/6376

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 August 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the financial report and accounts for 1965, and the related report of the Board of Auditors, in respect of (a) the United Na-

tions and its trust funds and special accounts, (b) the United Nations regular programmes of technical assistance and its participation in the Expanded Programme of Technical Assistance, (c) the Technical Assistance

Board secretariat, (d) the United Nations as executing agency for Special Fund projects, (e) the administrative budget of the Managing Director of the Special Fund, (f) the Special Account of UNEF and (g) the *Ad Hoc* account for ONUC (A/6306 and Corr.1).

2. The Advisory Committee has also reviewed, and is reporting separately on the 1965 accounts and related audit reports in respect of the following extra-budgetary programmes of the United Nations: UNICEF and the UNICEF Greeting Card Fund (A/6306/Add.1 and Corr.1/Rev.1), UNRWA (A/6306/Add.2 and Corr.1) and the voluntary funds administered by UNHCR (A/6306/Add.3). The Advisory Committee has reviewed the statements of assets and liabilities and income and expenses for the year ended 30 September 1965 of the United Nations Joint Staff Pension Fund (see A/6308¹). The Advisory Committee's reports relating to these programmes are contained in documents A/6377, A/6378, A/6379 and A/6380,² respectively.

3. The Advisory Committee has noted with satisfaction that the number of statements and schedules pertaining to the financial accounts have been reduced, as compared with last year. The Advisory Committee hopes that the Board of Auditors and the Secretary-General will consider further arrangements for consolidation and reduction of the volume of financial documentation.

4. In paragraph 8 of its report (A/6306 and Corr.1, part II) the Board of Auditors refers to delays in the full utilization of the International Computer Centre now established in the Headquarters building. The Advisory Committee was informed that corrective action was taken to overcome the administrative difficulties responsible for these delays. Careful planning and effective inter-Secretariat machinery will be needed to ensure the best use of the Centre.

¹ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 8.*

² *Ibid.*, *Twenty-first Session, Annexes*, agenda item 82.

5. In paragraph 10 of its report the Board of Auditors mentions that the statement of assets and liabilities does not record the value of non-expendable property on hand. The Committee was informed that most of this property consists of a large number of small items, some of it dating back to the time it was taken over from the League of Nations. It seems to the Advisory Committee that an effort to assess the value of each item might be disproportionate to the benefits derived.

6. The Advisory Committee notes the reference in paragraphs 11 and 15, sub-paragraph (ii), of the Board's report to the non-compliance with annex I, paragraph 3 of the Staff Regulations. The Advisory Committee believes that the particular cases mentioned in the report did not conform to the letter of the regulation. It recognizes, however, that the alternative open to the Secretary-General as described in paragraph 11 might well have proved to be more costly to the Organization. As regards paragraph 15, sub-paragraph (ii), of the report, the Advisory Committee was given to understand measures were being taken to comply with the observations of the auditors.

7. In paragraph 20 of the Board's report reference is made to the fact that schedules 9 and 11 do not give a true picture of the financial situation of UNFICYP. This is due to the decision of the Security Council whereby expenses for the Force have to be met from voluntary contributions or donated services. The Secretary-General therefore considers that he has no alternative but to limit allotments and to adjust obligations to amounts that are within the total pledges at any time. On the other hand, the Board of Auditors is of the opinion that, from an accounting point of view, there should be recorded the full amount of obligations which should be payable if sufficient financial resources were made available. Although the Committee appreciates the desirability of being consistent in terms of reports on accounting, it acknowledges the special circumstances which prompted the Secretary-General to limit possible commitments to available funds.

(b) United Nations Children's Fund

DOCUMENT A/6377

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 August 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the financial report and accounts of UNICEF for the year ended 31 December 1965 and those of the UNICEF Greeting Card Fund for the period 1 September 1964 to 31 August 1965, as well as the related reports of the Board of Auditors (A/6306/Add.1 and Corr.1/Rev.1).

2. During 1965 income exceeded expenditure by \$2.7 million; the operating fund had increased to \$27.9 million as compared with \$25.2 million on 31 December 1964, and UNICEF investments (time deposits with banks) increased slightly from \$10.8 million at the end of 1964 to \$11.1 million on 31 December 1965.

3. Income in 1965 amounted to \$33 million as compared with \$32.9 million in 1964, with contributions from 117 Governments constituting 78.9 per cent of the

total. Expenditures in 1965 amounted to \$30.3 million as compared with \$39.8 million in 1964. Net allocations in 1965 totalled \$32.4 million. At the end of 1965 a balance of \$28.1 million was outstanding in formal commitments for future allocations.

4. Administrative costs in 1965 amounted to \$2.3 million, as compared with \$2 million in 1964. The ratio of administrative expenditures to total expenditures increased from 5.21 per cent in 1964 to 7.59 per cent in 1965. Net operational service costs increased by some \$350,000 from \$3.68 million to \$4.03 million; the ratio to total expenditure was 9.40 per cent in 1964 and 13.60 per cent in 1965.

5. In paragraph 3 of its report on the audit of UNICEF accounts (*ibid.*, part I, sect. C) the Board of Auditors refers to the poor quality of DDT used by UNICEF in its malaria eradication programme. The

Board had drawn the attention of the General Assembly to this matter in its 1964 report.³ The Advisory Committee's observations are contained in paragraph 6 of its related report.⁴ The Advisory Committee was informed that the Expert Committee on Insecticides of WHO met in Geneva in October 1965 and recommended a revised draft specification for DDT water-dispersible powder for overseas shipment. UNICEF has used these draft specifications in contracts placed since February 1966. These and other measures taken since the last year seem to indicate that there has been progress in corrective action.

6. The Board of Auditors has drawn the Advisory Committee's attention to the need to consider the possibility of organizational and staffing adjustments in order to secure an effective Internal Audit Section. In view of the fact that the Board of Auditors and the Advisory Committee had referred to similar observations on a number of occasions in the past,⁵ the Advisory Committee shares the concern of the Board of Auditors about the present situation. The Advisory Committee joins the Board of Auditors in anticipating that the Executive Director of UNICEF will examine carefully

the measures required to improve the present situation, including consideration of an internal audit to be undertaken by the Internal Audit Service of the Secretariat of the United Nations.

7. The Advisory Committee has noted from paragraph 3 of the Board's report on the audit of the accounts of the UNICEF Greeting Card Fund (*ibid.*, part II, sect. C) that its internal organization suffers from "inadequate accounting systems and procedures, lack of proper stock control, deficiencies in the system of receipt and delivery of goods, a shortage of qualified personnel to attend to the various activities, and in a number of cases, from poor observance of regulations in ordering payments without proper vouchers of delivery or of receipt of goods". The Committee wishes to recall its comments in its report to the General Assembly at its nineteenth session to the effect that "the time has perhaps come for a detailed study of all of the Fund's operations to be performed in order to determine whether any changes need to be made in current methods and procedures in the light of experience and the Fund's rapid growth".⁶ The Committee was informed that a management firm has been appointed to perform such a survey. It anticipates that measures will be taken promptly to correct the deficiencies reported by the Board of Auditors.

³ *Ibid.*, Twentieth Session, Supplement No. 6A, part I, sect. C, para. 3.

⁴ *Ibid.*, Twentieth Session, Annexes, agenda item 74, document A/5942.

⁵ *Ibid.*, document A/5711, paras. 6-11.

⁶ *Ibid.*, para. 13.

(c) United Nations Relief and Works Agency for Palestine Refugees in the Near East

DOCUMENT A/6378

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 August 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the accounts of UNRWA for the year ended 31 December 1965 and the related report of the Board of Auditors (A/6306/Add.2 and Corr.1).

2. Income and expenditure in 1965 may be summarized as follows:

<i>Income</i>	<i>United States dollars</i>
Contributions pledged by Governments	34,000,353
Contributions received from non-governmental sources	816,050
Miscellaneous income	374,237
<i>Less:</i>	
Exchange adjustments	(55,762)
	35,134,878
Expenditure and commitments	37,618,472
	2,483,594

3. The excess of expenditure over income (\$2,483,594) has been charged to the working capital of the Agency, which in fact is a surplus account. The balance of this account on 31 December 1965 amounted to \$15,292,176.

4. The Advisory Committee was informed that the Board of Auditors was satisfied with the manner in which the Agency is conducting its operations.

**(d) Voluntary funds administered by the United Nations
High Commissioner for Refugees**

DOCUMENT A/6379

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

[Original text: English]
[5 August 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the accounts of the voluntary funds administered by UNHCR for the year ended 31 December 1965 and the related report of the Board of Auditors (A/6306/Add.3).

2. The Advisory Committee noted that the Board of Auditors has refrained from making specific comments on financial matters and has indicated to the Committee its satisfaction with the present state of affairs of the funds in question.

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DOCUMENT A/6477

Report of the Fifth Committee

[Original text: English]
[19 October 1966]

1. At its 1121st meeting, held on 3 October 1966, the Fifth Committee considered the financial reports and accounts for the year ended 31 December 1965 and the reports of the Board of Auditors for the United Nations (A/6306 and Corr.1), UNICEF (A/6306/Add.1 and Corr.1/Rev.1), UNRWA (A/6306/Add.2 and Corr.1) and the voluntary funds administered by UNHCR (A/6306/Add.3).

2. The related reports of the Advisory Committee on Administrative and Budgetary Questions (A/6376, A/6377, A/6378 and A/6379) were also before the Fifth Committee. A representative of the Acting Chairman of the Board of Auditors, the Executive Director of UNICEF, and a representative of UNHCR were present during the Fifth Committee's discussions.

3. Some representatives expressed reservations concerning certain items in the United Nations accounts. These included reservations regarding the assessments for the interest and amortization of the United Nations bond issue. Such payments, it was argued, should not be according to the scale of assessments for the regular budget but in accordance with the principles contained in General Assembly resolution 1874 (S-IV) of 27 June 1963, or an *ad hoc* arrangement providing for an equitable sharing of the costs. One representative also expressed reservations regarding the Special Accounts of UNEF and the *Ad Hoc* Account for ONUC for reasons which he would explain in the discussion on agenda item 80 (Report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies). Another representative maintained reservations previously expressed in the *Ad Hoc* Committee of Experts regarding the statements of surplus accounts.

4. One representative recalled that his delegation had objected to certain of the 1965 appropriations, including those for the repayment of the United Nations bond issue, the United Nations Memorial Cemetery in Korea and the United Nations Commission for the Uni-

fication and Rehabilitation of Korea, as being contrary to the Charter of the United Nations; his delegation maintained the same objections to such items in the accounts of the United Nations.

5. With regard to the bond issue, one delegation emphasized that the bonds had been approved, issued and sold on the understanding that payment of interest and amortization would be in accordance with the scale of assessments for the regular budget.

6. Referring to the statement of the Board of Auditors (A/6306 and Corr.1, part II, para. 11 and para. 15, sub-paragraph (ii)) that in certain cases the staff regulation regarding representation allowances had not been complied with, representatives said that it was important that the Staff Regulations should be strictly applied. It was suggested that the Secretary-General might wish to propose an amendment to the Staff Regulations to meet changed circumstances.

7. One representative, referring to the statement by the Board of Auditors (*ibid.*, para. 20) that the accounts did not give a true picture of the financial situation of UNFICYP considered that a statement might be made of the full amount of obligations which should be payable if sufficient financial resources were made available to the Force. The representative of the Secretary-General, while pointing out that the Secretary-General considered he was bound to limit allotments and to adjust obligations to amounts within the total pledges, nevertheless agreed that such a statement might be made, for example, as a foot-note to the relevant schedules.

8. The Executive Director of UNICEF commented on three points raised by the Advisory Committee in its report on the UNICEF accounts (A/6377, paras. 5, 6 and 7): the quality of DDT used by UNICEF in its malaria eradication programme, the need for an effective Internal Audit Section, and the organization of the UNICEF Greeting Card Fund. He outlined the measures which had been taken in co-operation with

WHO to improve the quality of the DDT used; UNICEF's Executive Board at its May 1966 session had considered the action taken satisfactory, and complaints from the field had practically ceased. The internal audit staff was being brought up to its increased strength during 1966 and certain recommended organizational changes were being made. Though there were certain difficulties in having the internal audit undertaken by the Internal Audit Service of the United Nations Secretariat, consideration was being given to this idea. The staff of the UNICEF greeting card operation was being increased and procedures were being reorganized; the Administrative Management Service of the United Nations would make a detailed study of the operation next year.

9. One representative, while paying tribute to the work of UNICEF, asked that it bear in mind in any expansion of staff the principle of equitable geographical distribution.

10. One delegation, referring to the UNRWA accounts, expressed concern at the sizable losses incurred during the year; an organization depending on volun-

tary support could not afford such losses and it was hoped the situation would be improved next year.

11. The Committee wishes to place on record once again its appreciation of the services rendered to the United Nations by the Board of Auditors.

Recommendations of the Fifth Committee

12. The Fifth Committee decided to recommend to the General Assembly the adoption of the following draft resolutions:

FINANCIAL REPORTS AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1965 AND REPORTS OF THE BOARD OF AUDITORS

[Draft resolutions A (United Nations), B (United Nations' Children's Fund), C (United Nations Relief and Works Agency for Palestine Refugees in the Near East) and D (Voluntary funds administered by the United Nations High Commissioner for Refugees) were adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1452nd plenary meeting, on 26 October 1966, the General Assembly adopted unanimously draft resolutions A, B, C and D submitted by the Fifth Committee (A/6477, para. 12). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2139 A (XXI), 2139 B (XXI), 2139 C (XXI) and 2139 D (XXI).

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 or description</i>	<i>Observations and references</i>
A/6306 and Corr.1	United Nations: financial report and accounts for the year ended 31 December 1965 and report of the Board of Auditors	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 6</i> <i>Ibid., Supplement No. 6A</i>
A/6306/Add.1 and Corr.1/Rev.1	United Nations Children's Fund: financial report and accounts for the year 1965 and reports of the Board of Auditors	<i>Ibid., Supplement No. 6B</i>
A/6306/Add.2 and Corr.1	United Nations Relief and Works Agency for Palestine Refugees in the Near East: accounts for the year ended 31 December 1965 and report of the Board of Auditors	<i>Ibid., Supplement No. 6C</i>
A/6306/Add.3	Voluntary funds administered by the United Nations High Commissioner for Refugees: accounts for the year ended 31 December 1965 and report of the Board of Auditors	Mimeographed For the text of this document as amended by the Fifth Committee at its 1128th meeting, see A/6477
A/C.5/1080	Financial reports and accounts for the financial year ended 31 December 1965: note by the Secretary-General	
A/C.5/L.869	Draft report of the Fifth Committee	



Agenda item 73:* Supplementary estimates for the financial year 1966**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee, 1122nd, 1123rd, 1124th and 1167th meetings; and ibid., Plenary Meetings, 1495th meeting.*

** Since 1960, the question of supplementary estimates has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 49), sixteenth session (agenda item 53), seventeenth session (agenda item 61), eighteenth session (agenda item 57), twentieth session (agenda item 75).

Abbreviations

CID	Centre for Industrial Development
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECLA	Economic Commission for Latin America
UNCTAD	United Nations Conference on Trade and Development
UNCURK	United Nations Commission for the Unification and Rehabilitation of Korea
UNDP	United Nations Development Programme
UNIPOM	United Nations India-Pakistan Observation Mission
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNTSO	United Nations Truce Supervision Organization in Palestine
WHO	World Health Organization

DOCUMENT A/6436

Report of the Secretary-General

[Original text: English]
[23 September 1966]

1. The General Assembly, by resolution 2125 (XX), of 21 December 1965, voted appropriations for the financial year 1966 in a total amount of \$121,567,420. The present revised estimates cover requirements totalling \$121,341,530, a decrease of \$225,890.

2. Income other than staff assessment, approved at \$6,675,800, is now estimated at \$7,955,200, an increase of \$1,279,400; staff assessment income, approved at \$13,114,900, is now estimated at \$12,450,000, a decrease of \$664,900.

3. The revised estimates cover additional expenditures totalling \$889,250 for which no provision was made in the appropriations. They have been incurred initially under the terms and conditions laid down in

General Assembly resolution 2126 (XX), of 21 December 1965, relating to unforeseen and extraordinary expenses for the financial year 1966. These commitments may be summarized as follows:

- (a) *Expenses incurred under the terms of paragraph 1 of the resolution with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions:*

<i>United States dollars</i>	
<i>Section 2, chapter VII</i>	
Meetings of the sub-committees of the Committee on the Peaceful Uses of Outer Space	81,500

	<i>United States dollars</i>	
<i>Section 16, chapter II</i>		
United Nations Conciliation Commission for Palestine (Office of the Technical Representative)	21,000	
<i>Section 16, chapter VIII</i>		
Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples ..	58,550	161,050
(b) <i>Expenses certified by the Secretary-General, under paragraph 1(a) of the resolution, as relating to the maintenance of peace and security:</i>		
<i>Section 16, chapter VIII</i>		
United Nations Mediator on Cyprus	5,000	
Secretary-General's representative in the Dominican Republic	82,500	
United Nations India-Pakistan Observation Mission	593,700	
India-Pakistan withdrawals mission	18,000	699,200
(c) <i>Expenses certified by the President of the International Court of Justice, under paragraph 1(b) of the resolution, as relating to the designation of ad hoc judges:</i>		
<i>Section 19, chapter I</i>		
Salaries and expenses of members of the Court	29,000	29,000
TOTAL		889,250

4. As indicated in paragraphs 16.15, 16.16 and 16.17 below, the revised estimates of expenditure for 1966 do not include that portion of the costs, in the amount of \$1,160,000, which the Secretary-General incurred in 1965 under the authority granted to him by paragraph 1(a) of the annual General Assembly resolution relating to unforeseen and extraordinary expenses in regard to the establishment, in accordance with paragraph 2 of Security Council resolution 211 (1965), of 20 September 1965, of UNIPOM. The Secretary-General believes that, since these commitments were entered into in 1965 and in view of the fact that the final accounts for that year reveal an excess of income over obligations in the amount of \$1,943,320, it would not be inappropriate to use this surplus, to the extent necessary, to liquidate the amount of \$1,160,000 spent on the UNIPOM operation in 1965.

5. A draft resolution on the supplementary estimates for the financial year 1966 appears in the annex below.

Expenditure estimates

PART I. SESSIONS OF THE GENERAL ASSEMBLY, THE COUNCILS, COMMISSIONS AND COMMITTEES; SPECIAL MEETINGS AND CONFERENCES

Section 1. Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies

	<i>United States dollars</i>
Appropriation	1,107,400
Revised estimate	1,029,300
Decrease	78,100

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
<i>United States dollars</i>			
I. The General Assembly, commissions and committees	872,800	845,300	(27,500)
II. The Security Council, commissions and committees	—	—	—
III. The Economic and Social Council, commissions and committees	222,100	171,500	(50,600)
IV. The Trusteeship Council, commissions and committees	—	—	—
V. Administrative advisory bodies	12,500	12,500	—
TOTAL	1,107,400	1,029,300	(78,100)

1.1 It is estimated that, under the section as a whole, there will be a net unexpended balance of \$78,100, consisting of \$27,500 under chapter I and \$50,600 under chapter III.

1.2 The appropriations had provided for the attendance of all members for the full session of each of the organs and subsidiary organs involved. In practice, a certain number of members were either unable to participate or remained for part of a session only. In certain cases, the programme of meetings was not fully realized. The unexpended balances resulting from such factors have been as follows: International Law Commission (\$26,500), United Nations Scientific Com-

mittee on the Effects of Atomic Radiation (\$1,000), the Commission on Human Rights (\$9,200), the Commission on the Status of Women (\$6,300), the Social Commission (\$3,100), the Sub-Commission on Prevention of Discrimination and Protection of Minorities (\$1,000) and the Advisory Committee on Science and Technology (\$31,000).

Section 2. Special meetings and conferences

	<i>United States dollars</i>
Appropriation	1,741,000
Revised estimate	1,656,100
Decrease	84,900

Chapter	Appropriation	Revised estimate	Increase or (decrease)
		<i>United States dollars</i>	
I. Second World Population Conference	266,000	302,900	36,900
II. Third United Nations Congress on Prevention of Crime and the Treatment of Offenders	8,000	4,900	(3,100)
III. Conference of the Eighteen-Nation Committee on Disarmament	900,000	740,000	(160,000)
VI. Fourth Regional Cartographic Conference for Asia and the Far East	8,500	5,500	(3,000)
V. First Regional Cartographic Conference for Africa	8,500	11,300	2,800
VI. International Symposium on Industrial Development and related regional symposia	550,000	510,000	(40,000)
VII. Meetings of the sub-committees of the Committee on the Peaceful Uses of Outer Space	<i>pro memoria</i>	81,500	81,500
TOTAL	1,741,000	1,656,100	(84,900)

2.1. A net unexpended balance of \$84,900 is anticipated under this section. An explanation of the increases and decreases which occur under the various chapters of this section follows:

Chapter I. Second World Population Conference

2.2. An amount of \$266,000 was appropriated under this chapter for 1966 for the translation, editing, and printing of the proceedings of the Second World Population Conference held at Belgrade in August and September 1965 and for the printing of a booklet on the main features of this Conference. The final proceedings, comprising three volumes, and the booklet are to be published in English, French and Spanish. One of the volumes, however, containing statements prepared by the moderators and rapporteurs, certain background papers, a list of participants and contributors of papers, and the programme of the Conference will also be published in Russian. The appropriation thus covered the following items of expense:

	<i>United States dollars</i>
(i) Printing of three volumes in three languages	92,000
(ii) Translation of three volumes in three languages	67,400
(iii) Salaries of editorial team	74,000
(iv) Salaries of technical printing team	11,000
(v) Translation, editing, and printing of Russian volume	15,000
(vi) Printing of booklet	6,600
TOTAL	266,000

2.3. The Population Division of the Department of Economic and Social Affairs carefully selected the papers submitted to the Conference, which, in compliance with the recommendations of the Conference's Preparatory Committee, were to be included in the published proceedings. Although very restrictive criteria were applied in the selection of these papers, nevertheless it has been found necessary to include in the final published version considerably more material than was originally estimated. Moreover, there is a higher content of statistical and tabular matter than originally envisaged. As a consequence, the cost of printing the proceedings has had to be re-estimated and is now ex-

pected to amount to \$146,900, as compared with the sum of \$92,000 initially provided. To minimize this additional cost, the Population Division has undertaken within its own resources a larger portion of the editing of the proceedings, thus reducing expenditures in this regard by approximately \$18,000. As a consequence, the additional net amount required to meet the higher costs of publication is now estimated at \$36,900.

Chapter II. Third United Nations Congress on Prevention of Crime and the Treatment of Offenders

2.4. Under this chapter, an appropriation of \$8,000 was provided for printing in English, French, and Spanish the final report of the Third United Nations Congress on Prevention of Crime and the Treatment of Offenders which was held at Stockholm in August 1965. As a result of a reduction in the number of pages of the final report, total expenditures are now estimated at \$4,900, or \$3,100 below the level of the appropriation.

Chapter III. Conference of the Eighteen-Nation Committee on Disarmament

2.5. An amount of \$900,000 was appropriated under this chapter to meet the costs of the Conference. Meetings were held at Geneva during 1966 from 27 January to 10 May, and from 14 June to 25 August. Total expenditures for the servicing of these meetings, including the provision of temporary conference servicing staff, reproduction of the related documentation and official records, and other general expenses, are now estimated at \$740,000. The careful use of conference servicing staff and resources of the United Nations Office at Geneva, coupled with a slightly lower incidence of meetings of the Committee, account for the fact that expenditures are expected to be \$160,000 below the level of the appropriation.

Chapter IV. Fourth Regional Cartographic Conference for Asia and the Far East

2.6. Total expenditures under chapter IV are now estimated at \$5,500 in respect of the completion of the printing of the proceedings of the Third Regional Cartographic Conference for Asia and the Far East in English and volume 1 of the Fourth Conference in French. Thus, total expenditures are expected to be \$3,000 below the level of the appropriation of \$8,500.

Chapter V. First Regional Cartographic Conference for Africa

2.7. Under chapter V, a provision in the amount of \$8,500 was made for the printing in English and French of the technical papers submitted to and discussed by the First Regional Cartographic Conference for Africa, held at Nairobi in 1963. Now that the copy preparation of this manuscript has been completed, the total costs for the two language versions are estimated at \$11,300, representing an increase of some \$2,800 above the original appropriation.

Chapter VI. International Symposium on Industrial Development and regional symposia

2.8. The appropriation of \$350,000 for the regional symposia and the International Symposium on Industrial Development covered the following estimated requirements:

	<i>United States dollars</i>
(a) Servicing of the African symposium	36,000
(b) Servicing of the Latin American symposium ..	17,000
(c) Printing of the reports of the above-mentioned symposia and of the Asian Conference on Industrialization	108,000
(d) Expenses connected with participation in the meetings concerning Arab States, and the related report	16,000
(e) Headquarters requirements:	
(i) Consultants' services and secretarial assistance	292,500
(ii) Translation, typing, reproduction, and distribution of documents for the International Symposium	45,000
(iii) Travel of consultants and staff ..	35,500
TOTAL	550,000

2.9. Although the costs of holding the African symposium were some \$16,000 higher than estimated, an unexpended balance of \$40,000 is anticipated in this

chapter, primarily owing to the postponement to 1967 of the translation, reproduction, typing and distribution of a portion of the documentation for the International Symposium, for which provision has been requested in the initial estimates for 1967.

Chapter VII. Meetings of the sub-committees of the Committee on the Peaceful Uses of Outer Space

2.10. The meetings of the sub-committees of the Committee on the Peaceful Uses of Outer Space were merely noted in the 1966 budget *pro memoria* in view of the undetermined activities of those bodies at the time the appropriations were voted. Subsequently, the Scientific and Technical Sub-Committee met in Geneva from 18 to 29 April, and the Legal Sub-Committee, from 12 July to 4 August 1966. The prior concurrence of the Advisory Committee on Administrative and Budgetary Questions was sought and obtained to incur the related expenditures up to the maximum amounts of \$21,200 and \$79,000 for the two sub-committees, respectively, under the terms of General Assembly resolution 2126 (XX) relating to unforeseen and extraordinary expenses for the financial year 1966. The expenditures covered salaries, travel and subsistence expenses of temporary conference staff, general expenses, and travel and subsistence costs of Headquarters staff. The actual expenditures for the session of the Scientific and Technical Sub-Committee are now estimated at \$18,000 and for the Legal Sub-Committee at \$63,500, for a total of \$81,500.

PART II. STAFF COSTS AND RELATED EXPENSES

Section. 3 Salaries and wages

	<i>United States dollars</i>
Appropriation	56,300,000
Revised estimate	55,924,000
Decrease	376,000

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
			<i>United States dollars</i>
I. Established posts	53,321,700	52,424,000	(897,700)
II. Temporary assistance for meetings	627,300	855,000	227,700
III. Other temporary assistance			
(i) General temporary assistance	760,000	888,500	128,500
(ii) Individual experts and consultants	746,000	740,000	(6,000)
(iii) <i>Ad hoc</i> expert groups	220,000	182,500	(37,500)
IV. Overtime and night differential	625,000	834,000	209,000
TOTAL	56,300,000	55,924,000	(376,000)

3.1. The decrease under this section relates almost entirely to lower requirements under chapter I owing to the intervals between the availability of posts for recruitment and the arrival of incumbents in pay status. The General Assembly at its twentieth session approved an increase for 1966 of 268 Professional, 209 General Service and 166 Local level posts. At the time of the preparation of the present estimates, few vacancies existed in the general service and local level establishments. In the case of the professional establishment, new authorizations to recruit, plus vacancies carried over from 1965, involved some 320 unencumbered posts

at the beginning of the year. To this figure must be added some 84 separations of career and fixed-term staff during the first eight months of the year. At the end of August, there remained 206 unencumbered posts *i.e.*, vacant or not yet in pay status. Taking into account arrivals expected in the remaining months of the year, including some 45 recruitments to posts in the language areas during the course of the next two or three months, and after deducting anticipated separations, it may be estimated that the posts unencumbered at the end of the year will total approximately 150. On these grounds alone, an unexpended balance of some \$1,455,000 would

have arisen in respect of the appropriations under chapter I. However, additional needs have arisen, to the extent of \$558,000, in respect of upward revisions in post classifications for Professional staff and in salary rates for General Service and Manual Worker staff which were not included in the appropriations approved for 1966. Specifically, the estimate includes higher post classifications for staff of ECLA at both Santiago and Mexico and for the staff of ECA, as well as Local level salary increases at those offices. At Geneva, an increase in General Service and Manual Worker salary scales became effective on 1 March 1966, and at Headquarters an increase in General Service salary scales is expected later in 1966.

3.2. With regard to chapter II it is now estimated that requirements for 1966 will be in a total amount of \$855,000, involving an increase of \$227,700 over the appropriated amount.

3.3. Of the revised total of \$855,000, \$600,000 relates to requirements for the General Assembly, as compared with a provision of \$430,000 for 1966 and actual expenses incurred in 1965 of \$592,826. This last-mentioned amount, however, included \$149,250 in carry-over costs relating to the nineteenth session of the General Assembly. An amount of some \$443,600 was therefore attributable to the twentieth session. After taking into account normal carry-over costs of some \$25,200 incurred in 1966 for the twentieth session, provision is made in the revised estimates for a total of \$574,800 for temporary assistance costs relating to the twenty-first session, *i.e.*, an increase of \$131,200 over the 1965 level. Of this increase, \$75,000 arises as a result of the need to provide for an additional complement of 12 interpreters (including 6 for Chinese interpretation), as well as for the replacement at Geneva of 8 interpreters and 2 translators made available to Headquarters on a loan basis during the period of the General Assembly. The balance of the increase, or \$56,200, includes \$8,200 for additional document clerks and mimeograph operators for the Office of Conference Services and \$48,000 for an increase in short-term salary rates of the Professional category implemented on 1 July 1966.

3.4. The requirements under chapter II for the servicing of meetings at Geneva are currently estimated at \$255,000. This represents an increase of \$57,700 over the level of the appropriation and is the direct consequence of the heavy meetings programme at Geneva. Meetings of a number of bodies serviced by Geneva for which no credits were provided for 1966 include those of the Committee on Housing, Building and Planning, the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, the Special Committee of the Commission on Narcotic Drugs, the Governing Council of the United Nations Development Programme and the Advisory Committee on the Application of Science and Technology to Development.

3.5. Revised requirements under chapter III indicate an increase of \$128,500 for temporary assistance, offset by savings of \$6,000 for individual experts and consultants and \$37,500 for *ad hoc* expert groups. Thus the net additional requirement under the chapter as a whole totals \$85,000.

3.6. Under the appropriations for general temporary assistance it has been necessary:

(a) To provide the International Computing Centre of the Department of Economic and Social Affairs and the Data Preparation Unit of the Office of the Controller with contractual and other assistance in connexion with the conversion of data from the mechanical tabulating system to the computer system (\$48,000);

(b) To provide the secretariat of the United Nations Joint Staff Pension Fund with contractual and other assistance to meet the current workload of that office (\$20,000);

(c) To meet the needs of the Department of Political and Security Council Affairs for additional secretarial assistance in connexion with the work of the Outer Space Affairs Group (\$10,000);

(d) To provide secretarial assistance for the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (\$6,000);

(e) To provide additional general and custodial services for ECLA at Santiago in connexion with the move to and joint occupancy of the new building by the Commission and the Latin American Institute for Economic and Social Planning later this year (\$30,000);

(f) To provide the Economic Commission for Africa with credits for interpretation services for the Second Regional Cartographic Conference for Africa to be held at Tunis in September 1966, pursuant to resolution 1119 (XLI) of the Economic and Social Council (\$3,500);

(g) To meet other miscellaneous and unforeseen needs (\$11,000), the additional requirement of \$128,500 under the general temporary assistance heading will, however, be offset by some \$30,000 in reimbursements from the United Nations Joint Staff Pension Fund and the Latin American Institute for Economic and Social Planning; the amount so reimbursed will be reflected in the relevant income sections.

3.7. The revised estimates for individual experts and consultants and *ad hoc* expert groups take into account additional requirements in 1966 resulting from decisions of the Economic and Social Council at its fortieth and forty-first sessions. These additional needs include \$6,500 for consultant services in connexion with research training on regional development, in accordance with Council resolution 1141 (XLI), and similar services for the preparation of a popular book on the application of science and technology for the benefit of less developed areas, in accordance with Council resolution 1155 (XLI). Pursuant to Council resolution 1113 (XL), additional requirements in the amount of \$9,000 will arise for an *ad hoc* group of experts to meet for one or two weeks on the development of non-agricultural resources in the developing countries.

3.8. The revised estimate of \$834,000 under chapter IV, while representing an increase of \$209,000 over the level of the appropriation approved for 1966, at the same time reflects an increase of only \$97,063 as compared with actual expenses incurred in 1965. As explained in some detail in the budget estimates for 1967 (A/6305, para. 3.44) the heaviest concentration of overtime and night differential falls in two areas of the Secretariat at Headquarters, the Office of Conference Services and the Office of General Services. Of the estimate under this heading, requirements relating to these Offices alone total \$671,000. Thus, while every effort has been made and will continue to be made to exercise strict control of overtime payments,

there is a continuing need to maintain after regular working hours such operations as language services, typing and reproduction services, security and safety coverage and extended telephone and teletype operations, as well as to provide for the servicing of weekend and night meetings. It must be emphasized, furthermore, that, apart from salary increases which inevitably affect costs under this chapter, a direct relationship exists between the expanding work programmes and activities of the Organization and the need for overtime and night differential. Overtime costs are further affected by special projects undertaken and completed on an after-hour basis by regular staff. A case in point is a project undertaken this year by the Office of Conference Services for the disposal of documents which had accumulated in the corridors of the basement

area. This project involved week-end work for 40 staff members for 6 months at an estimated cost of \$30,000.

3.9. The revised estimate under chapter IV includes \$14,000 for the additional cost of providing for overtime work in the United Nations Office at Geneva, in excess of eight hours a week, to be compensated on a cash basis in conformity with local practice, and a further \$6,000 to meet the needs of ECLA in connexion with the move to the new building.

Section 4. Common staff costs

	<i>United States dollars</i>
Appropriation	13,195,300
Revised estimate	13,024,000
Decrease	171,300

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. Staff allowances (dependency allowances, education grants and related travel)	2,933,000	2,879,000	(54,000)
II. Social security payments (contributions to the United Nations Joint Staff Pension Fund and to medical insurance, retirement allowance for former Secretaries-General, compensatory payments, staff welfare)	6,796,300	6,887,000	90,700
III. Travel on appointment, transfer and separation	1,103,000	969,000	(134,000)
IV. Removal expenses on appointment, transfer and separation	754,000	731,000	(23,000)
V. Separation payments	1,232,000	1,207,000	(25,000)
VI. Staff training programmes	377,000	351,000	(26,000)
TOTAL	13,195,300	13,024,000	(171,300)

4.1. As has been explained under section 3 above expenditures for established posts are expected to be considerably below the appropriation for these purposes. For related reasons, the revised estimate under section 4 shows a net decrease of \$171,300.

4.2. However, the revised estimates under chapter I, while providing for a reduction of \$75,000 in dependency allowances, at the same time calls for an increase of \$21,000 in costs relating to education grants and related travel. The latter costs result primarily from the increased number of staff receiving the education grant.

4.3. Moreover, the revised estimate under chapter II is in the amount of \$6,887,000, or \$90,700 in excess of the approved amount. The increase under this chapter arises as a result of additional requirements for contributions to the United Nations Joint Staff Pension Fund (\$91,200) and for compensatory payments (\$25,000), offset by a reduction of \$25,500 in contributions to medical insurance plans.

4.4. With regard to the first item, the Secretary-General, in his budget estimates for 1967 (A/6305, paras. 4.13 and 4.14), noted that a 5 per cent increase in pensionable remuneration of staff in the Professional category and above had been applied on 1 March 1965 in accordance with General Assembly resolution 2007 (XIX), of 10 and 18 February 1965. Under this reso-

lution a second 5 per cent increase would have been necessary as at 1 January 1966 had it not been for the approval by the General Assembly of a revised base salary scale for the staff, including the consolidation of three classes of post adjustment. This consolidation replaced the two 5 per cent adjustments applicable under resolution 2007 (XIX), and 1 January 1966 is now taken as the base date for any future 5 per cent adjustments. The revised estimate for contributions to the Pension Fund makes provision for the second 5 per cent increase in pensionable remuneration which would have arisen in any event. The cost of this increase had not been included in the revised estimates of the Secretary-General to cover the changes in salaries since this element of additional cost did not arise as a consequence of salary changes.

4.5 As to the second item, compensatory payments, the initial appropriation provided for \$75,000 under this heading. It is expected that costs in 1966 will approximate \$100,000 as in 1965, owing to lump sum payments due during the last quarter of 1966.

Section 5. Travel of staff

	<i>United States dollars</i>
Appropriation	2,144,400
Revised estimate	2,121,000
Decrease	23,400

Chapter	Appropriation	Revised estimate	Increase or (decrease)
	<i>United States dollars</i>		
I. Travel of staff to meetings	201,000	197,500	(3,500)
II. Travel of staff on other official business	570,000	570,000	—
III. Travel of staff and dependants on home leave	1,373,400	1,353,500	(19,900)
TOTAL	2,144,400	2,121,000	(23,400)

5.1. An unexpended balance of \$3,500 is anticipated under chapter I.

5.2. The revised estimate under chapter II is maintained at the level approved by the General Assembly.

5.3. The revised estimate for chapter III involves a decrease of \$19,900 resulting, in part, from the non-

exercise of entitlements owing to the shipping line and air line strikes earlier in 1966.

Section 6. Payments under annex I, paragraphs 2 and 3 of the Staff Regulations; hospitality

	<i>United States dollars</i>
Appropriation	125,000
Revised estimate	125,000

6.1 The estimates are maintained at approved levels as shown in the table below.

Chapter	Appropriation	Revised estimate	Increase or (decrease)
	<i>United States dollars</i>		
I. Payments under annex I, paragraphs 2 and 3, of the Staff Regulations	80,000	80,000	—
II. Payments to other members of the Secretariat for official hospitality	30,000	30,000	—
III. Hospitality expenditures for General Assembly and for functions honouring Chiefs of State and other visiting dignitaries ..	15,000	15,000	—
TOTAL	125,000	125,000	—

PART III. PREMISES, EQUIPMENT, SUPPLIES AND SERVICES

Section 7. Buildings and improvements to premises

	<i>United States dollars</i>
Appropriation	4,360,000
Revised estimate	4,360,000

Chapter	Appropriation	Revised estimate	Increase or (decrease)
	<i>United States dollars</i>		
I. Amortization of the Headquarters construction loan	2,500,000	2,500,000	—
II. Alteration, improvement, and major maintenance of premises and facilities at Headquarters, New York, and at Geneva	860,000	850,000	(10,000)
III. United Nations building in Santiago, Chile	1,000,000	1,000,000	—
IV. Construction to house a language laboratory on the grounds of Africa Hall, Addis Ababa	—	10,000	10,000
TOTAL	4,360,000	4,360,000	—

7.1. The expenditures under this section will be maintained at the approved level.

7.2. The various projects provided for under chapter II have either been completed or the work is in progress with completion expected by the end of 1966.

7.3. The Fifth Committee, in approving the extension of emergency electric power and lighting facilities at Headquarters, indicated that the Secretary-General, before undertaking the work, should consider fully the steps being taken by the United States authorities to

ensure against the possibility of a recurrence of the extensive power failure which occurred in November 1965. From consultations both with the United States authorities and with the local electric power company supplying the Headquarters area, the Secretary-General has learned that, although precautionary measures have been taken, there is still the possibility of a localized power interruption. He has concluded that the most prudent course would be to undertake the project as planned and reported accordingly to the Advisory

Committee on Administrative and Budgetary Questions at its summer session. The expenditures, however, are expected to be below the approved estimate.

7.4. In view of a long-felt need to provide language training in the French language for personnel of the United Nations agencies and diplomatic missions at Addis Ababa, the Secretary-General has authorized under chapter IV, the construction on the grounds of Africa Hall of a small two-storey building to accommodate a language laboratory. Additional requirements for this purpose are estimated at \$10,000 which can be met from within the total appropriation under section 7.

7.5. This project was proposed by the Executive Secretary of ECA following a generous offer of the French Government to provide, free of charge, an equipped language laboratory plus the services of a teacher, and the agreement of the Ethiopian Government to make the land available at no cost to the United Nations.

7.6. It is planned that the building will also house the ECA's telephone exchange, presently located in the sub-basement of Africa Hall, where the physical conditions are unsuitable for operating the equipment. Space will also be available for storing documents and library material now stored in an adjacent building at a rental of \$900 a year.

Section 8. Permanent equipment

		<i>United States dollars</i>	
Appropriation		525,930	
Revised estimate		525,930	

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
<i>United States dollars</i>			
I. Furniture and fixtures	169,330	169,330	—
II. Office equipment	159,150	159,150	—
III. Internal reproduction equipment	57,700	57,700	—
IV. Telecommunications equipment	51,650	51,650	—
V. Transportation equipment	44,900	44,900	—
VI. Other equipment	43,200	43,200	—
TOTAL	525,930	525,930	—

8.1. Expenditures will be kept within the amounts appropriated despite the fact that the growth in the number of staff financed from extra-budgetary funds in support of United Nations participation in technical

assistance programmes has necessitated the acquisition of basic furniture and office equipment for which no specific provision had been made. This will require an arbitrary curtailment of the annual replacement programme.

Section 9. Maintenance, operation and rental of premises

		<i>United States dollars</i>	
Appropriation		3,800,000	
Revised estimate		3,939,800	
Increase		139,800	

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
<i>United States dollars</i>			
I. Contractual services	2,145,000	2,214,600	69,600
II. Utilities	1,022,800	1,066,900	44,100
III. Other expenses for maintenance of premises	632,200	658,300	26,100
TOTAL	3,800,000	3,939,800	139,800

9.1. The net increase of \$69,600 under chapter I results from additional costs, in the amount of \$76,000, in respect of contractual personnel at Headquarters, offset in part by reductions at the United Nations Office at Geneva, at ECAFE and at ECA. Negotiations with the unions in New York governing electrical maintenance, telecommunication operation and maintenance, and cleaning services were concluded after the prepara-

tion of the 1966 estimates. Factors affecting the higher rates payable are wage increases and improved benefits as well as an increase, as from 1 January 1966, in the employer's share of the social security tax of the United States of America.

9.2. The increase of \$44,100 under chapter II occurs principally at Headquarters. The revised estimate is

based on the actual rate of consumption of utilities to date and includes some \$16,500 for electricity costs incurred by the administration of UNDP in premises located outside the Secretariat building. In terms of an interim arrangement agreed upon after the 1966 appropriations were approved, these costs will be borne under the regular budget for the latter part of 1965 and throughout 1966. As from 1967, such charges will be transferred to the administrative budget of UNDP. Small increases at ECLA (\$3,500) and the United Nations Economic and Social Office in Beirut (\$600) are offset by anticipated lower levels of expenditure at the Geneva Office (\$3,000) and ECA (\$2,000).

9.3. Of the additional requirements of \$26,100 under chapter III, \$15,000 will arise at ECLA. Of this sum, approximately \$12,000 is required for additional rental because the completion of the move to the new building,

originally estimated for June 1966, has been delayed until sometime in November. The balance of \$3,000 is required for increased maintenance supplies for the larger quarters. The additional expenditures for ECLA will be offset in part by a reimbursement from the Latin American Institute for Economic and Social Planning under an agreed cost-sharing formula. A supplementary provision of \$6,800 is required for the United Nations Economic and Social Office in Beirut owing to increased rental and maintenance costs resulting from the move to larger office quarters in May of this year. Increased requirements in the amount of \$6,800 have arisen for the ECA for necessary alterations to the print shop and for the partitioning of offices to provide accommodation for new appointees. Requirements at Headquarters can be reduced by \$2,000 and those at ECAFE by \$500.

Section 10. General expenses

	<i>United States dollars</i>
Appropriation	4,701,000
Revised estimate	5,103,000
Increase	402,000

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
		<i>United States dollars</i>	
I. Communications	1,364,000	1,514,400	150,400
II. Rental and maintenance of equipment	758,050	807,650	49,600
III. Public information supplies and services ..	1,238,000	1,280,000	42,000
IV. Other supplies and services	237,150	235,450	(1,700)
V. Office and internal reproduction supplies ..	938,500	1,098,500	160,000
VI. Library books, supplies and services	165,300	167,000	1,700
TOTAL	4,701,000	5,103,000	402,000

10.1. Requirements under this section are expected to exceed the level of the appropriation by \$402,000. The position under each chapter is given in detail below.

Chapter I. Communications

10.2. Total additional expenditures under chapter I are estimated at \$150,400.

10.3. Of this revised total, \$107,000 is required at Headquarters. An amount of \$54,000 relates to increased telephone services, including the rental of additional instruments, as new posts approved for 1966 are filled. Also to be taken into account is the additional cost of local messages, which are increasing steadily as a larger geographical area is covered by the automatic dialling system. On the other hand, the estimate for telephone services reflects the reduced costs as a result of the relocation of the United Nations Children's Fund to outside premises in November 1966. A further increase of \$7,000 relates to higher cable costs, of which \$4,000 is for the operation between New York and Geneva from June to December 1966 of a radio teleprinter circuit which is being considered as a possible replacement for the New York-Geneva submarine cable link. It will be recalled that because of atmospheric disturbances prevalent at the time, the use of a radio link was discontinued in 1961. Since it would be more economical to use a radio link than the submarine cable and since the effect on communications of the atmos-

pheric disturbances referred to above has been reduced, it has been decided to experiment with the resumption of the radio link using a transmitter which has become available as a result of the termination of the United Nations Operation in the Congo. Should this experiment prove to be successful, it will result in economies in future years. Additional expenditure on postage is estimated at \$20,000. A large proportion of these costs relates to the mailing of documents by surface mail to permanent recipients. The output of documents has recently shown an increase of some 20 to 25 per cent. Additional expenditures are also anticipated in the amount of \$15,000 for pouch services and \$1,000 for freight. Finally, a supplementary provision of \$10,000 is required for the increased needs of the Office of Public Information in respect of cables, pouches and freight.

10.4. At Geneva, it is anticipated that there will be a short-fall in the amount of some \$21,000, which may be attributed to increases in postal and freight rates and to the costs for the onward transmission by commercial channels of cable traffic received from New York.

10.5. At ECA an additional amount of \$23,000 will be required, principally for pouch services. The lack of direct air service between Addis Ababa and a number of principal cities on the continent, particularly in West Africa, has for the time being necessitated the forwarding of pouches to New York for reshipment to cities

in Africa. Alternative arrangements are under active consideration. The estimate includes an amount of some \$8,700 representing pouch services rendered in 1965 but for which the carriers failed to submit bills until mid-1966.

10.6. At ECLA a supplementary provision of \$1,400 is required.

10.7. As regards ECAFE it is anticipated that there will be an unexpended balance of \$2,000.

Chapter II. Rental and maintenance of equipment

10.8. The additional requirements under chapter II are estimated at \$49,600.

10.9. At Headquarters, increased costs would be in the amount of \$50,000. Of this, \$37,500 relates to the increased utilization of the computer equipment through extra shift operations and the need to retain the mechanical tabulating equipment in operation concurrently with the computer system for a full year, rather than for only two months as had been originally provided for. On the other hand, revenue to be derived from undertaking work for Governments and other outside institutions and agencies is expected during 1966 to produce additional income in the amount of \$80,000. The balance of the increase, or \$12,500 relates to additional costs for local transportation for female staff members working on shifts which extend beyond 11.00 p.m. and the rental of additional reproduction equipment, amounting to \$2,500.

10.10. At Geneva, a supplementary provision of \$1,900 will be required, principally for the rental of an additional accounting machine in the Finance Division.

10.11. At ECLA, the additional requirements are estimated at \$4,000.

10.12. As regards ECAFE and ECA, it is expected that there will be unexpended balances of \$2,500 and \$3,800, respectively.

Chapter III. Public information supplies and services

10.13. The requirements of the Office of Public Information are estimated to exceed the approved provision by \$42,000. However, these additional costs will be more than offset by increased revenue. Of the increased expenditures, some \$10,000 would relate to

salary increases for telecommunication engineers, resulting from negotiations with the relevant union, subsequent to the preparation of the budget estimates. The balance of \$32,000 arises in connexion with increased programme activities, including field coverage of United Nations projects and the additional procurement of video tape 16-mm colour film in response to demands for colour material.

Chapter IV. Other supplies and services

10.14. It is anticipated that there will be a net unexpended balance of \$1,700 under this chapter. An increase of \$8,000 at Headquarters and of \$7,000 at Geneva, owing principally to increases in premium rates for commercial insurance and for the United Nations share of the Joint Medical Scheme operated by WHO are more than offset by an anticipated decrease of \$9,500 in expenditures at ECA and of \$8,000 at the information centres.

Chapter V. Office and internal reproduction supplies

10.15. The additional requirement of \$160,000 under this chapter relates almost entirely to Headquarters, where a short-fall of \$157,000 is anticipated. Of this amount, \$99,000 is required for paper for internal reproduction, owing to the growth in the volume of documentation and meetings. An additional \$58,000 is needed to cover the costs of increased consumption of various expendable supplies, such as supplies for the International Computing Centre, punch cards and forms, writing, reproduction and photo-copy paper and chemicals, inks and printing plates. Increases of \$500 at the United Nations Economic and Social Office in Beirut, \$2,000 at ECAFE, and \$4,000 at ECA are offset, in part, by the anticipated surpluses of \$2,000 at Geneva and \$1,500 at the information centres.

Chapter VI. Library books, supplies and services

10.16. An increase of \$1,700 under chapter VI results principally from the additional requirements of \$1,900 for ECA, \$500 for the Economic and Social Office in Beirut, and \$500 for ECLA, offset in part by small surpluses of \$500 at Geneva and the same amount at the information centres and \$200 at ECAFE.

Section 11. Printing

		<i>United States dollars</i>	
Appropriation		1,800,000	
Revised estimate		1,800,000	
<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
<i>United States dollars</i>			
I. Official Records	1,020,615	1,020,615	—
II. Recurrent publications	778,275	778,275	—
III. Studies and reports	282,200	278,700	(3,500)
IV. Office of Public Information	98,400	98,400	—
V. Permanent Central Opium Board and Drug Supervisory Body	18,860	22,360	3,500
VI. Other contractual printing	51,650	51,650	—
VII. Deduction for internal printing	(450,000)	(450,000)	—
TOTAL	1,800,000	1,800,000	—

11.1. The expenditures under this section are kept under close and continuous review by the Publications Board, which undertakes periodic reviews of the printing programme. The requirements by chapter may be readjusted in the light of any programme changes approved by the Board, but within the existing total appropriation.

PART IV. SPECIAL EXPENSES

Section 12. Special expenses

	<i>United States dollars</i>
Appropriation	8,885,800
Revised estimate	8,889,000
Increase	3,200

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. United Nations Memorial Cemetery in Korea	40,800	34,800	(6,000)
II. United Nations International School	57,000	57,000	—
III. Special training programme for South West Africans	50,000	20,000	(30,000)
IV. United Nations bond issue	8,668,000	8,662,200	(5,800)
V. Special training programme for territories under Portuguese administration	50,000	80,000	30,000
VI. Triangular Fellowship Programme (Office of Public Information)	20,000	20,000	—
VII. Assistance in cases of natural disaster ..	—	15,000	15,000
TOTAL	8,885,800	8,889,000	3,200

12.1. The appropriation under chapter I included a provision of \$7,000 for repairs to the quonset huts which have served as the administrative buildings of the Cemetery. In the budget estimates for 1967, an appropriation of \$57,000 has been requested to construct permanent administrative buildings. In the circumstances, no more than \$1,000 will be spent on the further repair of the quonset huts, resulting in an unexpended balance of \$6,000 under this chapter.

12.2. The combined expenditures under chapters III and V are not expected to exceed the approved amount of \$100,000. However, owing to difficulties encountered in finding suitable candidates for the special training programme for South West Africans, the requirements under chapter III are not expected to exceed \$20,000, representing \$15,000 for scholarships renewed in 1966 and \$5,000 for applications under consideration. On the other hand, the estimated needs under chapter V amount to some \$80,000, as follows:

	<i>United States dollars</i>
(a) Scholarships renewed or due for renewal in 1966	32,000
(b) Scholarships granted in 1966 for the academic year 1966-1967	29,000
(c) Scholarships likely to be granted during September 1966 for the academic year 1966-1967	19,000
TOTAL	80,000

12.3. Payments actually due on the United Nations bond issue were some \$5,800 less than the amount appropriated under chapter IV.

12.4. Under chapter VII, which relates to United Nations assistance in cases of natural disaster, a sup-

plementary appropriation of \$15,000 is requested. Under the terms of General Assembly resolution 2034 (XX), of 7 December 1965, the Secretary-General was authorized to make advances from the Working Capital Fund for such purposes in the amount of \$100,000 in any one year. To date, an amount of \$15,000 has been advanced to cover the purchase of four ambulances requested by the Government of Western Samoa to meet emergency needs created by the hurricane which struck the Samoa Islands early in 1966.

PART V. TECHNICAL PROGRAMMES

*Section 13. Economic development, social activities and public administration**Section 14. Human rights advisory services**Section 15. Narcotic drugs control*

Expenditures under part V will be kept within the level of the appropriations of \$6,105,000 under section 13, \$220,000 under section 14 and \$75,000 under section 16, representing a total of \$6,400,000 under part V as a whole.

PART VI. SPECIAL MISSIONS AND RELATED ACTIVITIES

Section 16. Special missions

	<i>United States dollars</i>
Appropriation	4,317,990
Revised estimate	4,248,200
Decrease	69,790

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. United Nations Truce Supervision Organization in Palestine	1,805,400	1,760,400	(45,000)
II. United Nations Conciliation Commission for Palestine (Office of the Technical Representative)	16,450	49,450	33,000
III. United Nations Military Observer Group in India and Pakistan	2,046,600	1,238,850	(807,750)
IV. United Nations Representative for India and Pakistan	40,600	40,600	—
V. United Nations Commission for the Unification and Rehabilitation of Korea	123,100	144,000	20,900
VI. Office of the Special Representative of the Secretary-General in Amman	25,140	17,150	(7,990)
VII. Replacement of staff assigned to field missions	130,700	110,000	(20,700)
VIII. Other special missions			
— Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	130,000	188,550	58,550
— United Nations Mediator on Cyprus	—	5,000	5,000
— Representative of the Secretary-General in the Dominican Republic	—	82,500	82,500
— United Nations India-Pakistan Observation Mission	—	593,700	593,700
— India-Pakistan withdrawals mission	—	18,000	18,000
TOTAL	4,317,990	4,248,200	(69,790)

Chapter I. United Nations Truce Supervision Organization in Palestine

16.1. It is estimated that there will be an unexpended balance of \$45,000 under chapter I since, as a result of an agreement between Headquarters and the Chief of Staff of UNTSO to reduce the number of military observers from 140 to 132, there will be lower expenditures in respect of salaries, maintenance and purchase of replacement vehicles (the fleet of vehicles being reduced from 209 to 195), and insurance and freight for vehicles. It is consequently estimated that the total expenditure under this chapter will amount to \$1,760,400, representing a decrease of \$45,000.

Chapter II. United Nations Conciliation Commission for Palestine (Office of the Technical Representative)

16.2. An amount of \$16,450 was appropriated under chapter II to meet the costs up to 31 March 1966 of the Technical Representative and related staff appointed as from 1 May 1964 at the request of the Commission to deal with requests for information or explanation in regard to the records of the property identification and valuation project completed at the end of 1963. The Commission subsequently requested that the services of the Technical Representative and his staff be extended for a further period of six months, or from 1 April to 30 September 1966, and the concurrence of the Advisory Committee on Administrative and Budgetary Questions was sought and obtained to meet the additional costs, initially estimated at \$21,000, under the terms of paragraph 1 of General Assembly

resolution 2126 (XX). It has subsequently been ascertained that these costs will be increased to a level of \$33,000 to cover the entitlement of the Technical Representative under the provisions of the United Nations Joint Staff Pension Fund Regulations for full participation in the Fund.

Chapter III. United Nations Military Observer Group in India and Pakistan

16.3. The estimated requirements under chapter III now amount to \$1,238,850 resulting in an unexpended balance of \$807,750. It will be recalled that the Secretary-General, under the terms of Security Council resolutions 209 (1965), and 210 (1965), of 4 and 6 September 1965, took steps to strengthen UNMOGIP. The additional costs in this regard in the amounts of \$728,000 for 1965 and \$1,441,000 in 1966 were approved by the General Assembly. As a result, a total amount of \$1,328,100 was appropriated for this mission in 1965 and \$2,046,600 in 1966. Owing to an early improvement of the situation in the area, a number of emergency measures which had been foreseen were not in fact required or could soon be terminated. For these reasons \$102,591 of the 1965 appropriation remained unspent. As regards the 1966 appropriation, a net unexpended balance of \$807,750 is currently foreseen under the chapter as a whole. Of this amount, some \$756,000 can be attributed to the reduction in the strengthening of the mission during the emergency. In addition, it has become apparent that the transfer of the International Radio Station from Karachi to Rawalpindi, for which a provision of \$67,650 had been made, could in all probability not be accomplished in

1966, as it has not been possible so far to secure a permanent site for UNMOGIP headquarters in the latter city.

16.4. These reduced requirements would be partially offset by net increased requirements in the amount of \$15,900 for a number of other items, including maintenance and operation of transportation equipment, rental of aircraft, and communications.

Chapter IV. United Nations Representative for India and Pakistan

16.5. Expenditures under this chapter will be kept to the level of the appropriation of \$40,600.

Chapter V. United Nations Commission for the Unification and Rehabilitation of Korea

16.6. The administration building in Seoul, which houses UNCURK and which is made available on a rent-free basis by the host Government, together with most of its contents, was seriously damaged by fire on 5 April 1966. It is expected that the Government will make the necessary repairs to the building; in the meantime, it has provided temporary quarters for the Commission's staff. Furthermore, the replacement of most of the damaged radio equipment can be made from existing stocks from other missions. However, the replacement and repairs of other equipment and furniture damaged by the fire will give rise to additional expenses estimated at some \$17,000.

16.7. After taking into account certain unforeseen costs which have arisen in connexion with staff changes, the total net additional requirements for this commission are in the amount of \$20,900.

Chapter VI. Office of the Special Representative of the Secretary-General in Amman

16.8. Of the amount of \$25,140 appropriated for this mission, it is estimated that a reduction of some \$8,000 can be achieved as a result of reductions in the number of staff required and of a relocation to less expensive premises.

Chapter VII. Replacement of staff assigned to field missions

16.9. The requirements under chapter VII are currently estimated at \$110,000, representing a reduction of \$20,700 in the amount appropriated.

Chapter VIII. Other special missions

(a) *Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*

16.10. An amount of \$130,000 was appropriated in 1966 for expenses to be incurred by the Special Committee in undertaking its tentative programme of activities in 1966, as stated by the Advisory Committee on Administrative and Budgetary Questions in a report dated 2 December 1965.¹ It was understood, however, that the actual requirements might exceed this amount and that any additional costs up to a maximum of \$70,000 might be met with the prior concurrence of the Advisory Committee under the terms of paragraph 1 of General Assembly resolution 2126 (XX) relating

to unforeseen and extraordinary expenses for the financial year 1966.

16.11. In March, two members of the Special Committee, accompanied by one staff member, attended a conference on South West Africa held in Oxford, England. The related expenses were in the amount of \$1,900. In May and June, the Special Committee held meetings in five African capitals at an estimated cost of \$169,350. Finally, the Special Committee sent a sub-committee to Equatorial Guinea in August at an estimated cost of \$17,300. Total expenditures for the Special Committee for 1966 are therefore expected to be in a total amount of \$188,550. The costs in excess of the amount of \$130,000 appropriated were met with the prior concurrence of the Advisory Committee as directed.

(b) *Missions for which no specific appropriation was made for 1966*

16.12. The necessary commitments amounting to \$699,200 for the following missions have been undertaken by the Secretary-General under the authority granted to him under paragraph 1, sub-paragraph (a) of General Assembly resolution 2126 (XX) relating to unforeseen and extraordinary expenses for the financial year 1966: United Nations Mediator on Cyprus (\$5,000), Representative of the Secretary-General in the Dominican Republic (\$82,500), UNIPOM (\$593,700), India-Pakistan withdrawals mission (\$18,000).

(i) *United Nations Mediator on Cyprus*

16.13. The Secretary-General has authorized the necessary commitments for the continuation in 1966 of the activities of the United Nations Mediator on Cyprus and his staff, appointed in accordance with Security Council resolution 186 (1964), of 4 March 1964. These expenses were provisionally estimated at \$30,000. In the prevailing circumstances, it is now estimated that an additional provision of \$5,000 will suffice.

(ii) *Representative of the Secretary-General in the Dominican Republic*

16.14. Following the decision taken by the Security Council in its resolution 203 (1965), of 14 May 1965, and in view of the situation in the Dominican Republic, the Secretary-General has authorized the necessary commitments for the maintenance of the office of his Representative and staff in the Dominican Republic until 30 September 1966. It is estimated that expenditures will amount to some \$82,500.

(iii) *United Nations India-Pakistan Observation Mission*

16.15. In accordance with paragraph 2 of Security Council resolution 211 (1965), of 20 September 1965, the Secretary-General entered into commitments for the purpose of organizing and maintaining UNIPOM for a period of three months, the function of which was to supervise the cease-fire and the withdrawal of Indian and Pakistan forces from Kashmir. The organization of UNIPOM and its related financial implications in a total amount of \$1,427,000 were brought to the attention of the Security Council in the report of the Secretary-General of 14 October 1965.² Sub-

¹ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 23, document A/6130.

² See Official Records of the Security Council, Twentieth Year, Supplement for October, November and December 1965, document S/6699/Add.9.

sequently, in his report to the Security Council on 15 December 1965,³ the Secretary-General informed the Council of the need for the continuation of UNIPOM for a second period of three months as from 22 December 1965. The cost of this further extension beyond 22 December 1965 was estimated at \$819,000. No appropriation action was taken by the General Assembly in respect of any part of these anticipated costs.

16.16. As a consequence of the improvement of the situation in the area, the activities of this mission came to a close on 22 March 1966. Expenditures and obligations in 1965 amounted to \$1,160,000; those for 1966 are now estimated in a total amount of \$593,700.

16.17. As indicated in the United Nations accounts for the year ended 31 December 1965,⁴ an amount of \$3,064,268 has become available on surplus account, consisting of \$1,943,320, representing the excess of income over obligations incurred for the year ended 31 December 1965, and \$1,120,948, representing savings effected in liquidating the prior year's obligations. In conformity with regulation 4.3 of the Financial Regulations of the United Nations, these amounts are now available for credit against the assessed contributions of Member States for 1967. The General Assembly might consider it appropriate to reduce the credit due in respect of 1965 by the amount of \$1,160,000 spent on the UNIPOM operation in that year. The 1966 portion of these costs, amounting to \$593,700, can be met from within the total credits currently available under section 16.

(iv) *India-Pakistan withdrawals mission*

16.18. In a report to the Security Council dated 25 November 1965,⁵ the Secretary-General informed the Council that he had established a mission on withdrawals to meet with the representatives of India and Pakistan to formulate an agreed plan and schedule for

³ *Ibid.*, document S/6699/Add.11.

⁴ See *Official Records of the General Assembly, Twenty-first Session, Supplement No. 6*, statement II.

⁵ *Official Records of the Security Council, Twentieth Year, Supplement for October, November and December 1965*, document S/6719/Add.4.

the withdrawals as envisaged in paragraph 3 of the Security Council resolution 215 (1965), of 5 November 1965. In his report to the Security Council of 3 December 1965,⁶ the Secretary-General informed the Council that the arrangements made for the above withdrawal mission would entail an estimated expense of \$33,500; actual expenses amounted to \$18,000.

Section 17. United Nations Field Service

	<i>United States dollars</i>
Appropriation	2,106,200
Revised estimate	1,986,000
Decrease	120,200

17.1. The establishment of UNMOGIP, which had been augmented in 1965 on an emergency basis, was reduced early in 1966 by 25 Field Service posts as a result of the improvement in the area. As a consequence, the requirements under chapter I (Established posts), may be reduced by \$92,400, and those under chapter II (Common staff costs) by \$86,600.

17.2. The reductions under chapter I will, however, be offset by an increase of \$58,800 arising from an upward revision of 5 per cent in the salaries of Field Service staff, effective 1 January 1966.

17.3. On this basis it is now estimated that a total of \$1,986,000 will be required under the section as a whole, representing a decrease of \$120,200 in the amount appropriated.

PART VII. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Section 18. Office of the United Nations High Commissioner for Refugees

	<i>United States dollars</i>
Appropriation	3,011,800
Revised estimate	3,092,100
Increase	80,300

⁶ *Ibid.*, document S/6699/Add.10.

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. Salaries and wages	2,157,800	2,189,800	32,000
II. Travel of staff	165,000	165,000	—
III. Common staff costs	464,000	512,300	48,300
IV. Public relations and information activities	26,000	26,000	—
V. Hospitality	4,000	4,000	—
VI. General expenses and supplies	169,000	169,000	—
VII. Permanent equipment for field offices ...	16,000	16,000	—
VIII. Contractual printing	10,000	10,000	—
TOTAL	3,011,800	3,092,100	80,300

18.1. The net anticipated additional requirement under this section amounts to \$80,300, of which \$32,000 occurs under chapter I and \$48,300 under chapter III. It is anticipated that the appropriations for all other chapters in this section will prove to be sufficient.

18.2. The increase under chapter I results from increases in local salary rates at Geneva and many of

the field offices, as well as from increases in post adjustments payable to officials in the professional and higher categories at three of the field offices.

18.3. The supplementary appropriation of \$48,300 required under chapter III is necessitated by the following:

(a) Increases in pension fund contributions following the adjustment of local salary scales at field offices and at Geneva (\$3,700);

(b) A higher incidence of validation of previously non-pensionable service (\$6,000);

(c) A larger number of cases of entitlement to assignment allowances than originally estimated (\$5,600);

(d) A larger number of separations from service than envisaged at the time the 1966 estimates were prepared, including several of senior staff members

with substantial periods of service, resulting in an increase in related payments in respect of separation and repatriation (\$33,000).

PART VIII. INTERNATIONAL COURT OF JUSTICE

Section 19. International Court of Justice

	<i>United States dollars</i>
Appropriation	1,074,100
Revised estimate	1,146,600
Increase	72,500

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. Salaries and expenses of members of the Court	553,550	578,550	25,000
II. Salaries, wages and expenses of the Registry	426,120	469,120	43,000
III. Common services	77,930	81,230	3,300
IV. Permanent equipment	16,500	17,700	1,200
TOTAL	1,074,100	1,146,600	72,500

19.1. The increased requirement of \$72,500 over the appropriation relates, in part, to additional expenditures, estimated at \$29,000, for the designation of *ad hoc* judges for the South West Africa cases. These costs have been incurred under the authority granted to the Secretary-General in paragraph 1, sub-paragraph (b), of General Assembly resolution 2126 (XX), of 21 December 1965, relating to unforeseen and extraordinary expenses for the financial year 1966.

19.2. Furthermore, because of the increased workload resulting from the South West Africa cases and the translation of very voluminous documents in the pending case concerning the Barcelona Traction Light and Power Company, Limited, the total cost for 1966 for temporary assistance has now been calculated at \$126,000, exceeding by \$71,000 the original credit of \$55,000 approved for this purpose.

19.3. Lower expenditures are expected for a number of other items under this section, mainly as a result of established posts remaining vacant during a part of

the year. By offsetting these unexpended balances against the total additional costs in the amount of \$100,000 described in the preceding paragraphs, there will be a net deficit of \$72,500 under the section as a whole.

PART IX. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

Section 20. United Nations Conference on Trade and Development

	<i>United States dollars</i>
Appropriation	5,971,500
Revised estimate	5,971,500

20.1. Although the total estimates under this section are maintained at the approved level, the requirements under the various chapters have been redistributed as follows:

<i>Chapter</i>	<i>Appropriation</i>	<i>Revised estimate</i>	<i>Increase or (decrease)</i>
	<i>United States dollars</i>		
I. Salaries and wages			
(i) Established posts—Secretariat of the Conference	1,855,800	1,979,300	123,500
(ii) Experts and consultants	450,000	537,500	87,500
(iii) Temporary assistance	60,000	195,000	135,000
(iv) Overtime	15,000	35,000	20,000
TOTAL (chapter I)	2,380,800	2,746,800	366,000
II. Common staff costs	764,400	725,500	(38,900)
III. Travel of staff	200,000	155,000	(45,000)
IV. Hospitality	9,000	9,000	—
V. Permanent equipment	50,000	50,000	—
VI. General expenses	258,000	288,000	30,000
VII. Printing	156,100	156,100	—
VIII. Travel of members	21,900	83,000	61,100
IX. Meetings services	1,033,500	678,100	(355,400)
X. Established posts—other secretariat units at Headquarters and Geneva	1,097,800	1,080,000	(17,800)
TOTAL	5,971,500	5,971,500	—

20.2. The increase under chapter I for established posts of the Conference secretariat can be attributed to the fact that recruitment has progressed favourably and that at the time of this report 102 of the 103 Professional posts and all the General Service posts have been filled. In the circumstances, the reduction applied for delayed recruitment has not been fully realized.

20.3. The requirements under chapter I have also been increased because in February 1966, at its third session, the Trade and Development Board adopted work programmes proposed by the Committee on Shipping at its first session and by the Committee on Invisibles and Financing related to Trade at the first part of its first session.⁷ As these new programmes are largely of a continuing nature, they will require the strengthening of the staff of the Division for Invisibles by 10 Professional and 10 General Service staff members. These new posts have been requested in the budget estimates for 1967. However, to enable a start to be made on these projects in accordance with the schedule expected by the Board, additional expenditures totalling \$222,500 are anticipated for experts and consultants and for temporary assistance.

20.4. The large number of UNCTAD meetings held on weekends and official holidays has also resulted in a substantial increase in the requirements for overtime.

20.5. The decrease shown under chapter III is related to the changes in the calendar of meetings, as explained in paragraph 20.8 below.

20.6. The increase under chapter VI for general expenses relates to rental of office space and communications. The original estimate for rental of office space anticipated that it would be necessary to accommodate in outside premises for approximately four months either units of the UNCTAD secretariat or other units of the United Nations Office at Geneva pending the departure of WHO from the Palais. As the move was not completed until June 1966, additional expenses were incurred under this heading. A non-recurring expense for the installation of telephone equipment in this, the initial year of UNCTAD's move to Geneva, accounts for the increase under communications.

20.7. Regarding the increase under chapter VIII, the original estimate provided exclusively for the travel of the Advisory Committee to the Board and to the Committee on Commodities. The additional requirements relate to the planned increase in the use of expert groups in the interests of expediting the work of the major organs of UNCTAD and to reduce the duration of their sessions. The expert groups so convened have been the Expert Committee on Expansion of Trade among Developing Countries and on Regional Development, the Expert Group on the Horowitz Proposal, the Expert Group on International Monetary Issues, the Seminar on Shipping Economics, the Advisory Committee to the Board and to the Committee on Commodities, the Expert Group on Reinsurance and the UNCTAD-CID Consultation of Experts on Technical Assistance Relating to Export of Manufactures and Semi-manufactures.

20.8. Estimated expenditures under chapter IX show a reduction because the Permanent Group on Problems Arising from Competition from Synthetics, and the Group on Preferences have decided to meet in

Geneva rather than in New York, and because the second session of the United Nations Sugar Conference will probably not be convened in 1966.

20.9. The reduced expenditure under chapter X relates to a decision to refer recruitment to certain of these posts pending further experience of actual requirements. The reduction has been offset by an increase in General Service salaries in Geneva as from 1 March 1966.

Estimates of income

PART I. INCOME FROM STAFF ASSESSMENT

Income section 1. Staff assessment income

	<i>United States dollars</i>
Approved estimate	13,114,900
Revised estimate	12,450,000
Decrease	664,900

I.1. The decrease in estimated income from staff assessment results almost entirely from vacancies in established posts in the Professional and higher categories throughout the year, as described under section 3 of the revised estimates of expenditure. Other factors, such as a reduction in temporary assistance requirements as a result of a decrease in the number of meetings of the Conference of the Eighteen-Nation Committee on Disarmament and the cancellation of the United Nations Sugar Conference, might also have affected the level of staff assessment income. However, these factors were offset by estimated increases in overtime and temporary assistance for the General Assembly.

PART II. OTHER INCOME

Income section 2. Funds provided from extra-budgetary accounts

	<i>United States dollars</i>
Approved estimate	1,916,200
Revised estimate	2,137,800
Increase	221,600

I.2. The increase under this income section relates to the following factors:

- (a) *Income from the technical assistance component of the UNDP: contribution towards administrative and operational services costs of the United Nations as a participating organization.*

This contribution has been estimated on the revised basis to be used for calculation of the lump-sum allocation for 1966 and thereafter, in accordance with the terms of Economic and Social Council resolution 1060 (XXXIX), of 13 July 1965. The revised estimate of \$1,355,000 shows an increase of \$193,500 over the estimate as approved.

- (b) *Income from the United Nations Joint Staff Pension Fund*

The estimate has been increased to \$347,800, exceeding the initial estimate by \$28,100. The increase relates mainly to additional requirements of the Fund in respect of temporary assistance (\$20,000) and overtime (\$2,500). It also takes into account the upward adjustment of the salary scales of established posts in the Professional and higher categories effective 1 January 1966, and an anticipated increase in General Service salary scales at Headquarters later in the year.

⁷ See *Official Records of the General Assembly, Twenty-first Session, Supplement No. 15*, part I, paras. 154-158.

Income section 3. General income

	<i>United States dollars</i>
Approved estimate	1,566,200
Revised estimate	2,192,000
Increase	625,800

I.3. Actual receipts recorded as of 31 July, supplemented by additional information available to date, allow an increase in the estimate of income under section 3 in the amount of \$625,800. The significant changes since the original estimates were approved are as follows:

(a) The estimate of rental income has increased by \$38,000, of which \$3,000 results from the increased use of the Headquarters garage and the balance of \$35,000 from the fact that WHO did not leave the Palais des Nations early in 1966 as anticipated but only during the period from April to June.

(b) Income from reimbursement for staff and services may be expected to increase by \$160,000, of which \$80,000 is to be derived from the operation of the International Computing Centre and for which no provision was made in the income estimates for 1966. Additional income in the amount of \$25,000 may be anticipated in respect of the contribution from the Latin American Institute for Economic and Social Planning on the basis of the agreed cost-sharing formula in respect of expenses for common services for ECLA and the Institute, based on the area of the new building in Santiago to be occupied by each of the two organizations and increased income in the amount of \$55,000 is anticipated at the United Nations Office at Geneva, principally as a result of the continued utilization by WHO of the distribution services of that Office.

(c) Income from the sale of used equipment is expected to decrease by \$14,200 principally as a result of the lower level of funds available during this year at Headquarters for the replacement of furniture and equipment.

(d) It is expected that the approved estimate of \$170,000 for the refund of prior years' expenditures will be reduced by \$20,000 as a result of the decision of the General Assembly in operative paragraph 3 of its resolution 2125 A (XX), by which the period of validity of obligations for technical assistance programmes under part V of the budget would be the same as for that under the Expanded Programme for Technical Assistance. Thus, provision made for 1964 fellowship awards will remain available until 31 December 1966, thereby reducing the amount which would otherwise have been surrendered.

(e) Contributions from non-member States are expected to exceed the approved estimate by \$272,000. This is principally due to the participation of these States in the activities of UNCTAD. This income item, for which no provision was made in the estimate under income section 3 as approved for 1966, has been calculated on the basis of expenditures actually incurred under section 20 in 1965.

(f) Revenue from television services and film distribution is anticipated to be of the order of \$360,000, an increase of \$50,000 over the approved estimate.

(g) Miscellaneous income is expected to exceed the approved estimate by \$20,000. This increase will arise at the Geneva Office and may be attributed: to receipts for envelopes sold during the celebrations of the twentieth anniversary of the United Nations, to

increased refunds from the Swiss postal services relating to the sale of Swiss stamps at the Post Office in the Palais, and to increased receipts in relation to customs refunds.

(h) Reimbursement for part of the construction costs of the United Nations building in Santiago, Chile, will amount to \$120,000, no provision having been made in the original estimates of income for 1966 covering the annual reimbursement by the Government of Chile in this amount for a period of ten years in respect of the advance made by the United Nations towards the completion of the new building which will house ECLA and the Latin American Institute for Economic and Social Planning.

Income section 4. Sale of United Nations postage stamps (United Nations Postal Administration)

	<i>United States dollars</i>
Approved estimate	1,670,000
Revised estimate	2,075,000
Increase	405,000

I.4. The successful efforts of the United Nations Postal Administration to promote the sale of stamps, particularly in the United States of America and in Europe, are expected to yield an additional income of \$405,000.

Income section 5. Sale of publications

	<i>United States dollars</i>
Approved estimate	718,000
Revised estimate	718,000

I.5. The estimate under this section is maintained at the approved level.

Income section 6. Service to visitors and catering service

	<i>United States dollars</i>
Approved estimate	805,400
Revised estimate	832,400
Increase	27,000

I.6. The changes in the approved estimates for the separate activities included in this section are as follows:

(a) *Guided tours at Headquarters and Geneva.* The estimate is being maintained at the approved level although there is some possibility, based on the actual receipts for the first seven months, that there might be a slight shortfall.

(b) *The Gift Centre.* Based on the gross sales for the first six-month period, it is anticipated that the credit to income will be \$3,000 greater than the approved estimate.

(c) *Souvenir Shop.* The gross sales at the Souvenir Shop for the first seven months indicates that the approved estimates of income may be exceeded by \$24,000.

(d) *Catering service.* Based on the gross sales for the first seven months of operation in 1966 and the expenses charged against revenue thus far, a net loss to income of some \$36,000 is anticipated. However, this deficit might be offset during the latter part of 1966 for the following reasons: (i) the discontinuance on 5 September of the discount-book system, which was becoming administratively costly to operate, and

the introduction of a direct discount procedure given directly to those entitled by the cashier at the time of presentation of the luncheon bill; and (ii), the anticipated refund by the New York State and New York City authorities of cigarette taxes resulting from a recent decision concerning sales in areas such as the United Nations.

ANNEX

Draft resolution on the supplementary estimates for the financial year 1966

[For the text of this draft resolution, as subsequently revised (see A/C.5/L.867) and amended by the Fifth Committee, see A/6590, paras. 17, 18 and 19, below.]

DOCUMENT A/6452

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 September 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the supplementary estimates for the financial year 1966 (A/6436).

ANALYSIS OF THE SUPPLEMENTARY ESTIMATES

2. The Advisory Committee notes that the Secretary-General is not requesting any additional appropriations and that, after allowing for anticipated additional expenditures for which no provision was made in the appropriations, he expects to end the fiscal year with a net surplus of \$225,890, or a total expenditure budget of \$121,341,530 for 1966, as compared with an expenditure appropriation of \$121,567,420 voted by the General Assembly under resolution 2125 (XX) of 21 December 1965.

3. The Secretary-General reports additional expenditures estimated at \$889,250, incurred initially under the provisions of General Assembly resolution 2126 (XX), of 21 December 1965, relating to unforeseen and extraordinary expenses for the financial year 1966. Details of these and other estimated additional expenditures in the amount of \$668,800 are given in paragraph 5 below, and the anticipated surpluses which will more than offset them, in paragraph 6.

4. Apart from the estimates of expenditure, the Secretary-General reports that income from staff assessment is now estimated at \$664,900 below the approved figure, while other income should increase by \$1,279,400.

5. The additional requirements for the expenditure budget in the total amount of \$1,558,050 fall under four main categories:

	<i>United States dollars</i>
(a) <i>Expenses authorized under the terms of paragraph 1 of General Assembly resolution 2126 (XX), with the prior concurrence of the Advisory Committee:</i>	
(i) Meetings of the sub-committees of the Committee on the Peaceful Uses of Outer Space (sect. 2, chap. VII)	81,500
(ii) United Nations Conciliation Commission for Palestine (Office of the Technical Representative) (sect. 16, chap. II)	21,000
(iii) Special Committee on the Situation with regard to the	

	<i>United States dollars</i>	
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (sect. 16, chap. VIII)	58,550	161,050

(b) <i>Expenses certified by the Secretary-General under the terms of paragraph 1 (a) of General Assembly resolution 2126 (XX), as relating to the maintenance of peace and security:</i>		
(i) United Nations Mediator on Cyprus (sect. 16, chap. VIII)	5,000	
(ii) Representative of the Secretary-General in the Dominican Republic (sect. 16, chap. VIII)	82,500	
(iii) United Nations India-Pakistan Observation Mission (sect. 16, chap. VIII)	593,700	
(iv) India-Pakistan withdrawals mission (sect. 16, chap. VIII)	18,000	699,200
(c) <i>Expenses certified by the President of the International Court of Justice under paragraph 1 (b) (i) of General Assembly resolution 2126 (XX) as relating to the designation of ad hoc judges:</i>		
(i) Salaries and expenses of members of the Court (sect. 19, chap. I)	29,000	29,000
	SUB-TOTAL	889,250
(d) <i>Other additional requirements:</i>		
(i) Maintenance, operation and rental of premises (sect. 9) ..	139,800	
(ii) General expenses (sect. 10) ..	402,000	
(iii) Special expenses (sect. 12) ..	3,200	
(iv) Office of the United Nations High Commissioner for Refugees (sect. 18)	80,300	
(v) International Court of Justice (sect. 19)	43,500 ^a	668,800
	TOTAL	1,558,050

^a Excluding the additional expenditure of \$29,000 mentioned in under heading (c), above.

6. The surpluses totalling \$1,783,940 include the following items:

	<i>United States dollars</i>
(a) Sessions of the General Assembly, the Councils, Commissions and Committees (sect. 1)	78,100
(b) Special meetings and conferences (sect. 2) ..	166,400 ^a
(c) Salaries and wages (sect. 3)	376,000
(d) Common staff costs (sect. 4)	171,300
(e) Travel of staff (sect. 5)	23,400
(f) Special missions (sect. 16)	848,540 ^b
(g) United Nations Field Service (sect. 17)....	120,200
TOTAL	1,783,940

^a Not taking into account the additional expenditure of \$81,500 listed under paragraph 5, heading (a) (i), above.

^b Not taking into account the additional expenditure of \$778,750 listed under paragraph 5, headings (a) (ii) and (iii) and (b), above.

COMMENTS OF THE ADVISORY COMMITTEE

General

7. These estimates give rise to questions relating to the procedures to be followed in the implementation of changes in programme and budget decided upon by various organs subsequent to the approval and appropriation of the expenditure budget by the General Assembly, and also to the question whether transfer within budget sections to finance these decisions are consistent with the intent of the General Assembly and conform to orderly budgetary procedures.

8. The Advisory Committee has in mind in the first instance programme changes which may result from decisions of the Economic and Social Council and other bodies, such as the Trade and Development Board of UNCTAD, which, although not necessarily requiring additional appropriations, may necessitate transfer of funds within the section if these decisions are to be implemented during the current year. In this connexion the Advisory Committee has observed that in certain cases such programme changes have resulted in within section transfers for entirely unrelated objects of expenditure, sometimes involving large sums of money, and having no identity with the programmes for which the funds were appropriated by the General Assembly. Thus the commitment of such funds has been treated as coming within the general transfer authority of the Secretary-General, rather than as a commitment for unforeseen and extraordinary expenses requiring the prior concurrence of the Advisory Committee.

9. This situation is more likely to arise when surpluses occur under given headings, at which time it becomes difficult to resist the desire to transfer the surplus to other units within the section for entirely different purposes and programmes, some of which although desirable within the context of over-all activities could well await implementation in future years, after the General Assembly has had the opportunity to vote the necessary funds.

10. The Advisory Committee considers that this constitutes a problem and it therefore intends to devote further study to the matter.

Specific observations and recommendations

11. Apart from those additional expenses arising as a result of commitments entered into under the terms of General Assembly resolution 2126 (XX) relating

to unforeseen and extraordinary expenses for the financial year 1966, the major portion, or \$541,800, of the other additional requirements, amounting to \$668,800, fall under sections 9 (Maintenance, operation and rental of premises) and 10 (General expenses). However, for a full appreciation of total additional requirements it is also necessary to examine the estimated expenditures under section 3 (Salaries and wages), where the reduction of some \$897,000 in chapter I (Established posts), is offset in part by an increase of \$227,700 under chapter II (Temporary assistance for meetings), a net increase of \$85,000 under chapter III (Other temporary assistance), and an increase of \$209,000 under chapter IV (Overtime and night differential).

12. It is also to be noted that the decision taken by the Trade and Development Board of UNCTAD at its fourth session, held in Geneva from 30 August to 24 September 1966, that meetings of its four main committees, previously scheduled for the last three months of 1966, be postponed until the first months of 1967, although offset in part by meetings of subsidiary bodies of UNCTAD in 1966, will result in a reduction of approximately \$110,000 in the expenditure estimates for section 20 (United Nations Conference on Trade and Development) for 1966.

13. The reductions in the supplementary estimates which the Advisory Committee recommends in the following paragraphs are in respect of the aforementioned items, including those which in the Committee's opinion could have been foreseen.

Section 3. Salaries and wages

14. The Secretary-General has proposed a net decrease for this section amounting to \$376,000, attributable solely to the situation which has prevailed in 1966 with regard to vacancies in the total Professional establishment. Allowing for the total anticipated vacancy situation as of 31 December 1966, savings under chapter I are estimated at \$897,700. However, as indicated in paragraph 11 above, this saving is offset by additional requirements of \$227,700 under chapter II, a net increase of \$85,000 under chapter III, and additional requirements of \$209,000 under chapter IV.

15. With regard to vacancies, the Advisory Committee noted that as of 31 December 1966 up to 150 Professional posts would most probably be carried forward into 1967, as compared with 206 vacant Professional posts as of 31 August 1966. Whereas the Committee does not believe that a large number of these vacancies can be filled by the end of the year, it does not propose any further reduction in the estimates under chapter I.

16. The Advisory Committee gave special attention to the justifications for the increase of \$227,700 under chapter II, the net increase of \$85,000 under chapter III, and the increased requirements of \$209,000 under chapter IV. While the Committee realizes that some of the additional requirements relate to items which may not have been foreseen at the time of the preparation of the budget estimates for 1966, it is of the view that some of the estimates of requirements for the last months of 1966 are somewhat generous and that reductions should be possible. Accordingly, the Advisory Committee recommends the following reductions in the additional appropriations proposed by the Secretary-General:

<i>Section 3</i>	<i>Secretary-General's proposal</i>	<i>Advisory Committee's recommendation</i>	<i>Suggested reduction</i>
	<i>United States dollars</i>		
Chapter II	227,700	210,000	17,700
Chapter III (net) ..	85,000	75,000	10,000
Chapter IV	209,000	195,000	14,000
TOTAL			41,700

Section 9. Maintenance, operation and rental of premises

17. While the Advisory Committee has always appreciated the fact that expenditures under this section are determined by such factors as the terms and conditions that can be negotiated with outside contractors regarding the costs of utilities and the level of rentals and, therefore, permit relatively limited control, the Committee considers that greater efforts should be made to reduce expenditures, thereby ensuring the utmost economy under this section. Inasmuch as the supplementary estimates are based on expenditures and obligations recorded as of 31 July 1966, the Advisory Committee considers that full implementation of essential restrictive measures during the last months of 1966 will realize some savings in this section and it recommends that the additional provision of \$139,800 requested by the Secretary-General be reduced by \$14,800 to \$125,000. Accordingly the Advisory Committee recommends approval of a revised appropriation of \$3,925,000 for section 9.

Section 10. General expenses

18. With regard to the estimated additional expenditure of \$402,000 for this section the Advisory Committee is concerned at the large amount requested, representing some 9 per cent of the initial appropriation authorized by the General Assembly for this section for 1966. In its examination of the additional requirements under this section, the Committee concluded that some were attributable to factors which were unknown or unforeseen when the initial estimates were presented to it in June 1965. However, the Advisory Committee is convinced that greater savings can be effected under most chapters of section 10 by close and continuous administrative supervision throughout the remaining months of the budget year, both at Headquarters and overseas offices. As examples it would cite the estimated increase of \$150,400 under chapter I (Communications), affecting all but one of the offices included under this chapter, and the \$42,000 increase under chapter III (Public information supplies and services). The Advisory Committee has already expressed its concern over the expenditures incurred under chapter II (Rental and maintenance of equipment) in its report⁸ on the Secretary-General's initial budget estimates for 1967, and in particular its concern over the rental of electronic data processing equipment, on which the Committee has requested a detailed report from the Secretary-General at its present session. The Committee also considers that some savings should be possible under chapter V (Office and internal reproduction supplies), bearing in mind the recent General Assembly directives concerning documentation

⁸ *Ibid.*, Supplement No. 7, para. 240.

and meetings and the pattern of conferences of the Organization.

19. For these reasons, the Advisory Committee recommends that a reduction of \$22,000 should be made in the additional provision of \$402,000 requested by the Secretary-General for section 10. Accordingly, the revised appropriations for section 10 would be in the amount of \$5,081,000.

Section 16. Special missions

20. The revised figures under this section show a net decrease of \$69,790, or a total estimate of \$4,248,200, as compared with the approved appropriation, amounting to \$4,317,990, for 1966. Of the increased requirements of \$757,750 under chapter VIII, incurred under General Assembly resolution 2126 (XX) relating to unforeseen and extraordinary expenses for the financial year 1966, an estimated amount of \$593,700 provides for expenses incurred by UNIPOM. The Secretary-General advises that these additional requirements can be met from within the total credits currently available under section 16, owing primarily to a decrease of \$807,750 in 1966 for UNMOGIP.

21. The Secretary-General has also suggested that the General Assembly might consider it appropriate to apply the 1965 costs of UNIPOM amounting to \$1,160,000 against the surplus of \$3,064,268 available for that year, as indicated in the United Nations accounts ended 31 December 1965. In this connexion the Advisory Committee wishes to draw attention to the provisions of regulation 4.3 of the Financial Regulations of the United Nations requiring that funds in the surplus account should be made available as credits against the assessed contributions of Member States. However, taking account of the circumstances of the situation as described by the Secretary-General in paragraph 16.15 of his report (A/6436), the General Assembly may wish to follow the Secretary-General's suggestion.

Section 20. United Nations Conference on Trade and Development

22. As indicated in paragraph 12 above, the recent decisions of the Trade and Development Board of UNCTAD, taken subsequent to the submission of the Secretary-General's supplementary estimates for 1966, to postpone the meetings of its main committees from the latter months of 1966 to 1967, will result in reductions in the 1966 expenditure budget of section 20. On the basis of information available at this time, therefore, the Secretary-General informed the Advisory Committee that, after allowing for additional costs for meetings of subsidiary bodies of UNCTAD in 1966, not covered by existing appropriations, it will be possible to effect a reduction of \$110,000 in the estimated total expenditure budget of \$5,971,500 under section 20, or a revised 1966 appropriation figure of \$5,861,500 for UNCTAD.

23. The Advisory Committee is also of the view that, apart from the specific reductions in the additional requirements enumerated in the preceding paragraphs reductions may be possible in other areas, and would therefore urge the Secretary-General to apply the strictest controls on expenditures for the balance of the year, thereby limiting the expenditures for 1966 to the absolute minimum.

Recapitulation of reductions recommended

<i>Section</i>	<i>Amount of reduction</i>	
	<i>United States dollars</i>	
3. Salaries and wages		
Chapter II. Temporary assistance for meetings	17,700	
Chapter III. Other temporary as- sistance	10,000	
Chapter IV. Overtime and night differential	14,000	41,700
9. Maintenance, operation and rental of premises	14,800	
10. General expenses	22,000	
20. United Nations Conference on Trade and Development	110,000	
TOTAL	188,500	

24. If the General Assembly accepts the foregoing recommendations, the amount of \$121,567,420 appropriated for the financial year 1966 by resolution 2125 A (XX) should be decreased by \$414,390 to \$121,153,030.

Income

25. The estimates of income for the financial year 1966 approved by resolution 2125 B (XX) should be revised as follows:

(a) Income from staff assessment, decreased by \$664,900 to \$12,450,000;

(b) Other income, increased by \$1,279,400 to \$7,955,200.

DOCUMENT A/6590**Report of the Fifth Committee**

[Original text: English]
[14 December 1966]

1. At its 1122nd, 1123rd and 1124th meetings, held on 6 and 10 October 1966, the Fifth Committee considered the supplementary estimates for 1966 on the basis of reports of the Secretary-General (A/6436) and the Advisory Committee on Administrative and Budgetary Questions (A/6452) and a note by the

Secretariat (A/C.5/L.867) submitting to the Fifth Committee a revised draft resolution reflecting the recommendations of the Advisory Committee.

2. The following table shows the amounts proposed, under the headings of expenditure and income, for the supplementary estimates for the financial year 1966:

	<i>Secretary- General's proposals</i>	<i>Advisory Committee's recommendations</i>	<i>Fifth Committee's recommendations to the General Assembly</i>
	<i>United States dollars</i>		
EXPENDITURE			
Authorized appropriation (General Assembly resolution 2125 A (XX))			121,567,420
Decrease	(225,890)	(414,390)	(486,890)
Total revised estimate of expenditure			<u>121,080,530</u>
INCOME			
<i>Part I. Income from staff assessment</i>			
Approved estimate (General Assembly resolu- tion 2125 B (XX))			13,114,900
Decrease	(664,900)	(664,900)	(664,900)
Revised estimate, part I			<u>12,450,000</u>
<i>Part II. Other income</i>			
Approved estimate (General Assembly resolu- tion 2125 B (XX))			6,675,800
Increase	1,279,400	1,279,400	1,279,400
Revised estimate, part II			<u>7,955,200</u>
Total revised estimate of income			<u>20,405,200</u>

3. The Secretary-General's estimate of a decrease of \$225,890, as set forth in document A/6436, included the following additional expenditure, incurred under

General Assembly resolution 2126 (XX), of 21 December 1965, relating to unforeseen and extraordinary expenses for the financial year 1966:

	<i>United States dollars</i>	<i>United States dollars</i>
(a) Expenses incurred, under the terms of paragraph 1 of the resolution, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions (sections 2 and 16)	161,050	29,000
(b) Expenses incurred under the terms of paragraph 1 (a) of the resolution, as authorized by the Secretary-General (section 16)	699,200	TOTAL 889,250
(c) Expenses incurred under the terms of paragraph 1 (b) (i) of the resolution, as certified		

4. The additional expenditures under sections 2 and 16 were offset by corresponding reductions in the estimates for those two sections, which showed a net decrease. The proposed decreases and increases under the various sections were as follows:

<i>Section</i>	<i>Amount</i>	
DECREASES		
	<i>United States dollars</i>	
1. Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies ..	(78,100)	
2. Special meetings and conferences	(84,900)	
3. Salaries and wages	(376,000)	
4. Common staff costs	(171,300)	
5. Travel of staff	(23,400)	
16. Special missions	(69,790)	
17. United Nations Field Service	(120,200)	(923,690)
INCREASES		
9. Maintenance, operation and rental of premises	139,800	
10. General expenses	402,000	
12. Special expenses	3,200	
18. Office of the United Nations High Commissioner for Refugees	80,300	
19. International Court of Justice	72,500	697,800
Proposed net decrease		(225,890)

5. In his report (A/6436, paras. 4 and 16.15, 16.16 and 16.17), the Secretary-General indicated that the revised estimates for 1966 did not include that portion of the costs, or \$1,160,000, which had been incurred by the Secretary-General in 1965 under the authority granted to him by the annual General Assembly resolution on unforeseen and extraordinary expenses, for the establishment of UNIPOM in accordance with paragraph 2 of Security Council resolution 211 (1965). The Secretary-General suggested that as the accounts for 1965 showed an excess of income over obligations of \$1,943,320, the amount of \$1,160,000 might be met out of this surplus.

6. For the reasons given in paragraphs 11 to 22 of its report (A/6452), the Advisory Committee recommended the following reductions in the Secretary-General's estimates:

<i>Section</i>	<i>United States dollars</i>
3. Salaries and wages	41,700
9. Maintenance, operation and rental of premises	14,800
10. General expenses	22,000
20. United Nations Conference on Trade and Development	110,000
TOTAL	188,500

The Advisory Committee accordingly recommended that the appropriation for 1966 should be reduced by \$414,390 to \$121,153,030. It accepted without change the Secretary-General's revised estimates of income. As regards the suggestion that the 1965 costs of

UNIPOM might be met from the surpluses for that year, the Advisory Committee, while drawing attention to regulation 4.3 of the Financial Regulations of the United Nations (under which funds in surplus account are to be made available as credits against the assessed contributions of Member States) considered that, bearing the circumstances in mind, the General Assembly might wish to follow the Secretary-General's suggestion.

7. As regards the reduction of \$110,000 proposed for section 20, the representative of the Secretary-General explained to the Fifth Committee that after the Secretary-General had issued his report on the supplementary estimates, the Trade and Development Board of UNCTAD had decided to postpone until early in 1967 certain meetings of its committees which it had been expected would be held late in 1966. The Secretary-General had informed the Advisory Committee that this would involve a reduction of some \$110,000 in the revised budget estimates for 1966 and the Advisory Committee had included this reduction in its proposals. The change in the conference programme might have some impact on the appropriations requested for 1967.

8. The representative of the Secretary-General also informed the Fifth Committee that the Secretary-General would not contest the reductions proposed by the Advisory Committee.

9. Many delegations expressed gratification that the budget showed a net decrease. Although some of the savings might be due to fortuitous circumstances, such as the postponement of meetings or unavoidable delays

in recruitment, the Secretary-General was to be commended for exercising budgetary control; some economies had been effected and the Secretary-General should intensify his efforts in that direction. Some delegations emphasized that the Secretary-General should enjoy a reasonable discretion in administering the funds voted by the General Assembly in the light of the expanding activities of the Organization. Delegations also supported the proposals of the Advisory Committee as being sound and reasonable, and were glad to note that the decreases proposed by that Committee were not contested by the Secretary-General.

10. It was, in the view of some delegations, almost inevitable that there should be supplementary estimates since it was clearly impossible to foresee exactly the amount of income and expenditure for any given year. At the same time it was necessary to reduce as far as possible the difference between the original budget and the actual expenditures and income, so as to preserve the budgetary control of the General Assembly. One delegation stated that the additional amounts recommended by the Secretary-General did not seem excessive, considering that the expenditures related to items which were unforeseen and extraordinary; another delegation considered that the variations from the initial estimates were, in general, not excessive.

11. Other delegations considered that it was time to give up the practice of having supplementary estimates which consisted of ratifying expenses after they had been incurred. With better planning and control of expenses, supplementary expenses could be avoided. To meet unforeseen expenses, a reserve fund could be created at the time the budget was approved. That procedure was already used by some of the specialized agencies. The decreases in the 1966 estimates were not real savings but resulted from fortuitous circumstances, such as the postponement of meetings or documentation and from artificially inflated estimates of needs, particularly in regard to staff and staff costs. By the end of 1966, there would still remain 150 vacant posts, which had been requested in the budget estimates. It was also necessary to exercise stricter control over administrative expenses; had that been done, greater economies might have been effected. Moreover, some of the supplementary appropriations requested were unjustified; they should have been foreseen and examined by the General Assembly at the time the original estimates were submitted. Additional expenditures should not be undertaken unless savings had been made in the original estimates. These delegations supported the reductions proposed by the Advisory Committee but held that they were insufficient.

12. A number of representatives, referring to the comments of the Advisory Committee regarding the transfer by the Secretary-General of funds within budgetary sections, expressed satisfaction that the Advisory Committee had decided to study the question. Some representatives felt that such transfers should not be made without the prior concurrence of the Advisory Committee under the General Assembly resolution on unforeseen and extraordinary expenses. It was pointed out that sometimes the sums involved were large and the programme to which the transfer was made was not directly related to that for which the original appropriation had been intended. The need for such transfers, it was stated, was the result of lack of co-ordination and of poor planning. Other representatives argued that the Secretary-General should be

allowed a certain amount of flexibility in administering the budget and should have the authority to ensure that the budgetary procedures of the United Nations did not hamper the execution of properly authorized tasks. The representative of the Secretary-General explained that the problem had largely been raised by decisions of three committees of UNCTAD regarding their work programmes; the Secretary-General, in consultation with the Secretary-General of UNCTAD, had concluded that he was entitled to make use of his general transfer authority to meet the additional requirements arising from those decisions, and the Advisory Committee had been informed of the situation. The Chairman of the Advisory Committee said that what was at issue was whether or not the general transfer authority vested in the Secretary-General was unlimited; he wondered whether it could, for example, be exercised in the case of expenditures for increases in permanent staff or for holding new meetings. The Advisory Committee would study the question further.

13. Some representatives accepted the suggestion of the Secretary-General that the UNIPOM expenses for 1965 should be met out of the unexpended balances for that year. Other representatives could not agree that these expenses should fall on the regular budget. UNIPOM was a peace-keeping operation and should have been financed in accordance with a decision of the competent organ, the Security Council. One delegation, while not opposing the adoption of the Secretary-General's suggestion, reaffirmed its view that the costs of peace-keeping operations should be assessed according to other criteria than those applied to the regular budget. The Committee, by 66 votes to 10, with 5 abstentions, decided to recommend to the General Assembly that it should endorse the suggestion made by the Secretary-General that the 1965 expenditures for UNIPOM, amounting to \$1,160,000, should be met from the surplus of income over obligations for that financial year.

14. Reservations were also expressed by various delegations on certain other items, including expenditures for the United Nations bond issue, the United Nations Memorial Cemetery in Korea, the United Nations Commission for the Unification and Rehabilitation of Korea and the United Nations Field Service, which they considered to be included in the regular budget in contravention of the Charter.

15. Certain delegations voiced objection to the increase of \$72,500 proposed under section 19, (International Court of Justice) because in their view the Court in its recent decision in the South West Africa case had not followed the principles laid down by the United Nations, nor, in taking six years to arrive at a decision on procedure, had it shown itself efficient. These delegations stated that they would vote against the proposed increase and abstain on the vote on section 19 as a whole. Other delegations, maintained, though without reference to the judgement of the Court, that the expenses had been properly incurred under the Statute of the Court and the General Assembly resolution on unforeseen and extraordinary expenses; it would be setting a very dangerous precedent to prevent a principal organ from performing its task through a refusal to approve for other than budgetary reasons its legitimately incurred expenses. Some other delegations stated that they would normally have regarded the additional expenses as routine, and, in the case of those expenses connected with the appointment of

ad hoc judges in the South West Africa case, as mandatory under the Statute of the Court. However, in view of the circumstances, they would abstain in the vote. In reply to a question, the representative of the Secretary-General stated that the bulk of the additional expenditures, which provided for *ad hoc* judges, temporary assistance and the reproduction of the Court's proceedings, had already been met. If the revised appropriations were not approved, the Secretary-General would have to find the sum required within the

totality of the appropriations voted by the General Assembly for 1966, seeking the concurrence of the Advisory Committee for a transfer to section 19 of funds saved in other sections.

Decisions of the Committee

16. At its 1123rd and 1124th meetings, held on 10 October 1966, the Committee voted on the following sections of the supplementary estimates, as recommended by the Advisory Committee:

Section	Revised estimate	In favour	Against	Abstentions
<i>United States dollars</i>				
1. Travel and other expenses of representatives and members of committees, commissions and other subsidiary bodies	1,029,300	76	0	0
2. Special meetings and conferences	1,656,100	78	0	0
3. Salaries and wages	55,882,300	71	10	0
4. Common staff costs	13,024,000	73	0	10
5. Travel of staff	2,121,000	75	0	7
9. Maintenance, operation and rental of premises	3,925,000	69	0	13
10. General expenses	5,081,000	70	0	12
12. Special expenses	8,889,000	67	9	7
13. Economic development, social activities and public administration ^a	6,105,000	73	5	4
14. Human rights advisory services ^a	220,000	71	5	5
15. Narcotic drugs control ^a	75,000	72	4	5
Part V (sections 13, 14 and 15) as a whole ^a ..	6,400,000	72	5	4
16. Special mission ^b	4,248,200	65	10	4
17. United Nations Field Service	1,986,000	71	10	1
18. Office of the United Nations High Commissioner for Refugees	3,092,100	69	0	11
19. International Court of Justice				
		At the request of the representative of Guinea, the Committee voted first on the increase of \$72,500 proposed under this section. It rejected the increase by 40 votes to 27, with 13 abstentions. The original appropriation of \$1,074,100 for this section was therefore maintained		
20. United Nations Conference on Trade and Development	5,861,500	80	0	1

^a The estimates for these items were the same as those in the original appropriations, but a separate vote on them was requested by the representative of the Union of Soviet Socialist Republics.

^b Under this section, the Committee voted on the Secretary-General's suggestion regarding UNIPOM (see para. 13, above).

17. By 65 votes to 1, with 13 abstentions, the Committee adopted part A, relating to the expenditure estimates, of the draft resolution contained in document A/C.5/L.867, as amended by its decision regarding section 19. It thereby recommends to the General Assembly a revised appropriation of \$121,080,530 for the financial year 1966 (see para. 19, below).

18. The Committee adopted, by 79 votes to none, part B of the draft resolution, establishing a revised estimate of income for the financial year 1966 totalling \$20,405,200 (see paragraph 19, below).

Recommendation of the Fifth Committee

19. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1966

A

BUDGET APPROPRIATIONS FOR THE FINANCIAL YEAR 1966

B

INCOME ESTIMATES FOR THE FINANCIAL YEAR 1966

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1495th plenary meeting, on 16 December 1966, the General Assembly voted on draft resolutions A and B submitted by the Fifth Committee (A/6590, para. 19): draft resolution A was adopted by a vote of 83 to 1, with 11 abstentions, draft resolution B by a vote of 99 to none. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2195 A (XXI) and 2195 B (XXI), respectively.

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 or description</i>	<i>Observations and references</i>
A/6305	Budget estimates for the financial year 1967 and information annexes	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 5</i>
A/6343	Second report of the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 80</i>
A/C.5/L.867	Note by the Secretariat containing a revised draft resolution on the supplementary estimates for the financial year 1966	Mimeographed (see A/6590, paras. 17 and 18)
A/C.5/L.889	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1167th meeting, see A/6590



Agenda item 74:* Budget estimates for the financial year 1967**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1124th to 1133rd, 1135th to 1150th, 1153rd, 1155th to 1158th, 1160th, 1163rd, 1164th, 1166th, 1167th, 1169th to 1172nd meetings; and *ibid.*, *Plenary Meetings*, 1501st meeting.

** Since 1960, the annual budget estimates have been examined by the General Assembly as follows: fifteenth session (agenda item 50), sixteenth session (agenda item 54), seventeenth session (agenda item 62), eighteenth session (agenda item 58), twentieth session (agenda item 76).

Abbreviations

ACC	Administrative Committee on Co-ordination
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECE	Economic Commission for Europe
ECLA	Economic Commission for Latin America
EPTA	Expanded Programme of Technical Assistance
FAO	Food and Agriculture Organization of the United Nations
ICSAB	International Civil Service Advisory Board
ILO	International Labour Organisation
ITU	International Telecommunication Union
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNITAR	United Nations Institute for Training and Research
UNOID	United Nations Organization for Industrial Development*
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WHO	World Health Organization

* Renamed United Nations Industrial Development Organization (UNIDO) as of 26 October 1966.

GENERAL STATEMENTS

DOCUMENT A/C.5/1065

Statement made by the Secretary-General at the 1124th meeting of the Fifth Committee

[Original text: English]
[10 October 1966]

1. I welcome this opportunity of sharing with you, at this early stage of your deliberations, some thoughts on a number of the more important items which are on your agenda during the current session. I will not confine myself solely, as has been my practice in the past, to the budgetary requirements for the coming year, but will also, where appropriate, make some preliminary comments on the observations and recommendations of the *Ad Hoc* Committee of Experts established by the General Assembly at its twentieth session to examine the finances of the United Nations and the specialized agencies. In this latter regard, however, I shall naturally limit myself to those observations which I believe to be relevant in my capacity as Secretary-General of the United Nations. I am sure, however, that I can speak for the whole

family of international organizations in paying tribute to the thorough and competent manner in which the *Ad Hoc* Committee performed the exacting task entrusted to it.

2. I shall be consulting in the course of this week with the executive heads of the agencies in the Administrative Committee on Co-ordination, whose first order of business will be to consider the *Ad Hoc* Committee's recommendations. I am hopeful that from these deliberations there will merge a joint endorsement of the objectives which that Committee has sought to attain and a readiness to study carefully the many ideas put forward, to take action where feasible and to consult together with a view to working out necessary implementation arrangements, particularly in regard to those recommendations where concerted action,

with due regard to constitutional requirements, is clearly called for. This will apply, for example, to the interesting and important proposals which the *Ad Hoc* Committee has put forward in connexion with external audit and inspection and for the strengthening and improvement of the co-ordinating processes.

3. In the event, as I hope will be the case, that the Assembly generally endorses the *Ad Hoc* Committee's report [A/6343], I would consider it to be the special responsibility of the Secretary-General to take all appropriate steps to facilitate its earliest and fullest implementation. It goes without saying that, in so far as certain recommendations fall within the Secretary-General's executive competence, as chief administrative officer of the Secretariat of the United Nations, they will be taken up with the least possible delay.

4. I trust the Fifth Committee will bear with me, if I preface my remarks by repeating what I have said in the introduction to my annual report:

"... I must again report with regret", I stated, "that, in spite of the unanimous agreement a year ago that the financial difficulties should be solved through voluntary contributions by Member States, those contributions have still not come forward in an amount sufficient to meet the deficit of the past, which remains substantial. On the other hand, the work of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, which was established by the General Assembly last December, should, I believe, help to allay the somewhat disquieting degree of concern and uncertainty which many Member States had shown in some of the broader aspects of our financial affairs.

"... I trust that the detailed analysis made by the *Ad Hoc* Committee in its first report and the large measure of agreement reached as to the Organization's present financial deficit will provide an acceptable basis for the liquidation of this deficit and the settlement of past indebtedness."¹

5. In providing relevant financial data to the *Ad Hoc* Committee for the purpose of its analysis, I confined myself, as I have consistently done, to facts and figures which were reflected in and supported by the Organization's certified accounts. The *Ad Hoc* Committee, in the exercise of its judgement, has produced [see A/6289] two alternative estimates of the amount of additional voluntary contributions which would be required "to assist the Organization out of its financial difficulties"—either \$31.9 million or \$53.3 million, depending on the decision which may eventually be taken with respect to the surplus accounts.

6. The *Ad Hoc* Committee's judgement as to the possible range of the Organization's deficit—if I may use that term—took account of some \$20.8 million which had been paid or pledged by way of voluntary contributions. An additional pledge in the amount of \$2.5 million has since been announced. It is clear, therefore, that the accumulated deficit of the past remains a matter of continuing concern. Nor can certain basic differences in policy and principle, affecting both the regular budget and future peace-keeping financing, be too long unresolved, if the United Nations is to regain and thereafter to retain full financial health.

7. May I be permitted, at this point, to cite a few comparative figures by way of indicating how our financial position has developed during 1966.

8. Members will have noted from my financial report in document A/6306, and Corr. 1² that in respect of the funds and accounts relating to activities which are financed in whole, or primarily, by assessments levied on Members by the General Assembly, the Organization's net liquid assets, consisting of cash plus current accounts receivable less current accounts payable, totalled \$22.1 million as at 31 December 1965. Although some \$103 million of assessed contributions for 1966 and earlier years have been collected since 1 January 1966, approximately the same amount was required to be disbursed. As a result, net liquid assets, as at 31 August 1966, had increased by only \$300,000 to a total of \$22.4 million.

9. At the end of 1965, unliquidated obligations amounted to \$46.1 million; the balances recorded in surplus accounts to \$40.1 million; and unpaid balances of assessed contributions to \$167.6 million. The corresponding figures as at 31 August 1966 were \$45.2 million, \$40 million, and \$200.8 million respectively. The latter figure—that is to say, unpaid balances of assessed contributions including those for 1966—fell to approximately \$189 million as at 30 September 1966.

10. It will be apparent, I believe, from the figures just cited, that since the end of 1965 there has been virtually no change—either for better or for worse—in the over-all financial position.

11. While we may anticipate further collections of assessed contributions in respect of the regular budget and UNEF totalling about \$38 million during the last three months of the year, this will be little more than the amount required for current operating expenses. Unless, therefore, there are substantially larger payments of assessed contributions than are now anticipated, or additional voluntary contributions are forthcoming, there can be little prospect of reducing the Organization's indebtedness, and we may expect to see in 1967 an unhappy renewal of the financial strains and stresses of past years.

12. I would now address myself to the initial budget estimates for 1967. These estimates, as presented to the General Assembly in document A/6305, were in a total amount of some \$128.2 million. They represented an increase of approximately \$6.7 million gross over the level of the estimates as approved for 1966. On the other hand, income from all sources was estimated at \$21.6 million, as compared to an approved level of \$19.8 million in 1966. Thus, on a net basis for assessment purposes, the 1967 level of expenditure was estimated at some \$4.9 million above the corresponding level for 1966. The higher level of expenditure anticipated in 1967 related in the first instance—to the extent of some \$4 million—to higher costs for staff and essential contractual services and supplies, due to the continuing rise in prices generally and particularly in those areas of the world where the United Nations maintains sizable established offices. A further increase of \$4.7 million was expected to result from the need to undertake new or expanded activities consequent upon proposals adopted by the various principal organs. The total additional cost

¹ Official Records of the General Assembly, Twenty-first Session, Supplement No. 1A, p. 1.

² Ibid., Supplement No. 6, part I, para. 6.

of some \$8.7 million arising from these two factors, however, was offset to the extent of some \$2 million as a consequence of a reduction in certain activities and requirements.

13. Subsequent to the submission of the initial estimates, it was necessary to propose additional appropriations [A/C.5/1056] in a total amount of \$914,240 for the implementation of decisions taken by the Economic and Social Council at its fortieth and forty-first sessions. At the same time an increase of \$29,400 was estimated for income from staff assessment under income section 1.

14. In general terms, I consider the present estimates for 1967 as conservative in that they provide little room for growth to meet the continuing upward trend in activities. In accordance with the wishes expressed by this Committee in its report to the General Assembly at its twentieth session,³ my initial estimates in regard to staffing requirements under section 3 of the budget were based on the same number of posts as was authorized for 1966. In retrospect, I believe that the reasons which prompted this Committee to make such a request have proved valid. While significant progress has been made in the recruitment of new staff to fill the substantial number of additional posts authorized for 1966, the best estimate at this time, after taking into account new appointments which may be accomplished by the end of this year offset by possible further staff separations, is that some 150 Professional posts will still be vacant by the beginning of 1967. However, in order to undertake the new work programmes called for since that time by the Economic and Social Council at its fortieth and forty-first sessions, it has been necessary to seek approval of a minimum number of new established posts. In view of the current experience in regard to delayed recruitment, a higher turnover factor of some 50 per cent has been applied in estimating the related costs.

15. As regards the requirements of the United Nations Conference on Trade and Development, as provided for under section 20 of my initial estimates, I felt obliged, in the light of the decisions taken by the Trade and Development Board at its third session held in New York earlier this year, to seek some increase in the level of the staffing for 1967. The higher estimates under section 20 as a whole also reflect the exceptional costs of the holding of the second session of the Conference, which is not an annual factor. Similarly, the estimates as presented by the United Nations High Commissioner for Refugees and included under section 18 of the budget call for some strengthening of the staffing resources for next year, consequent upon an increase in the activities to be undertaken particularly in regard to new situations arising in Africa and Asia.

16. At a later stage it will be necessary to submit further revised estimates to cover certain additional expenditures which are likely to arise but which are dependent in the main upon decisions yet to be taken by the General Assembly at its present session. The more significant of these additional items relate, first, to the establishment of the new autonomous United Nations Organization for Industrial Development, in accordance with General Assembly resolution 2089 (XX). The administrative and financial consequences

of this action will be the subject of a separate report in the near future. Secondly, I intend shortly to submit to the General Assembly for its consideration certain proposals in regard to the provision of additional conference facilities at the Palais des Nations in Geneva. Also before the Committee is a report [A/C.5/1062] dealing with the question of possible future plans for the provision of additional office accommodation at the Headquarters in New York.

17. The Advisory Committee on Administrative and Budgetary Questions has undertaken its customary careful and thorough examination of the initial estimates, and its recommendations thereon are contained in its main report to the General Assembly [A/6307]. In that report the Advisory Committee has provided some valuable and objective observations concerning the activities covered under the various sections of the budget and has given its recommendations on the level of expenditures to be provided for. As a consequence, that Committee has recommended a total reduction of \$1,730,600 distributed in varying amounts over the various sections. I do not intend to contest these proposed reductions since, in the main, I believe they are based on acceptable considerations. Moreover, I do not believe they will jeopardize the carrying out of essential programmes and services. They will, however, challenge the ingenuity of the Secretariat to accomplish the necessary tasks at a cost somewhat below the original estimate. As regards the proposed reductions to provisions under sections 2, 3 and 20 for conference servicing requirements, much will depend on the actual level of meetings activity in 1967 and the effectiveness of any measures which may be agreed upon for the purpose of keeping the programme within manageable proportions. The level of meetings requirements under section 20 will in any event be the subject of a further report to be submitted to the Assembly at its current session after the implications of the decisions taken by the Trade and Development Board at its fourth session on the programme of UNCTAD meetings in 1967 have been analysed. The Advisory Committee has also recommended in its report a modest increase of some \$40,000 in the level of general income and income from the sale of United Nations postage stamps. I need hardly say that we shall continue our efforts to maintain an upward trend, wherever possible, in regard to revenue-producing activities generally.

18. This has been an active year in terms of the study and review of important questions concerning financing, budget preparation, presentation and format, long-term planning, programme co-ordination and evaluation and other related matters of general administration and control. Among the several expert committees which have given serious attention to these questions during recent months have been the Special Committee on Co-ordination of the Economic and Social Council, the *Ad Hoc* Committee of Experts appointed by the General Assembly and, of course, the Advisory Committee. Many new proposals and ideas have been put forward as a result of these discussions. Most of them may well lead to further improvement in past practices and procedures and warrant careful consideration of course. In an attempt to facilitate the task of these committees a considerable volume of new documentation was prepared. On the one aspect of budget presentation alone, several detailed reports were submitted both to the Economic and Social Council and to the General Assembly for the purpose of

³ *Ibid.*, *Twentieth Session, Annexes*, agenda item 76, document A/6223, para. 27.

showing the relationship between budgetary provisions and expenditures and the programmes to which they relate. Thus, the Economic and Social Council received from the Administrative Committee on Co-ordination an interagency report⁴ which provided a distribution, on the basis of an agreed broad classification, of budgetary resources by main programmes of activity. It also received, through its Special Committee on Co-ordination, a voluminous report⁵ which provided similar but more detailed data in regard to the United Nations activities in the economic and social field. Finally, in a new annex to the initial expenditure estimates for 1967 [A/6305, part A, annex I], there is provided for the first time an extensive breakdown of the total budget by main activity and subsidiary programmes, by principal object of expenditure and, where relevant, by geographical location. This annex covers the totality of the activities undertaken by the United Nations under the regular budget. The portion dealing with activities in the economic and social field is presented in a form consistent with the presentation used in the report to the Council.⁵ I trust that the data given in this new annex will meet the wishes expressed by a number of members of this Committee during its last session.

19. The various matters I have referred to will no doubt receive the attention of this Committee in the course of its consideration of the budget estimates for 1967 and the report of the *Ad Hoc* Committee of Experts. In doing so, the Committee would also no doubt wish to take into account the relevant chapters of the report of the Economic and Social Council.⁶

20. I would at this stage comment briefly on the general question of the form in which the budget is currently presented. The budget document is essentially a translation into financial terms of the approved work programmes and activities of this Organization. This is true no matter in what form it is cast. It should provide, on the one hand, adequate information for Member States to comprehend the purposes for which the funds are requested; on the other hand, it should provide a simple means of administration and effective control during the operational year to which it relates. It is necessary, therefore, in contemplating any possible change, to ensure that these essential elements are preserved. I believe that the form of presentation of the estimates for 1967 goes a long way towards meeting these requirements. The new annex must, of course, still be regarded as a prototype which undoubtedly could be improved in the light of experience, on the basis of views expressed in this Committee, and as a consequence of the proposals and recommendations of the *Ad Hoc* Committee of Experts. It would seem to me, however, that the implementation of the recommendations of the *Ad Hoc* Committee would not require any significant changes in the present practices followed by the United Nations in regard to the preparation, presentation and review of its budget.

21. On a related point, the *Ad Hoc* Committee has made the interesting recommendation that a study be made, in consultation with the Advisory Committee, on the advantages and disadvantages of a biennial cycle

for the budget of the United Nations. I shall, of course, be ready to undertake such a study with a view to presenting a report to the General Assembly at its twenty-second session.

22. The proposals of the *Ad Hoc* Committee in regard to long-term planning, programme co-ordination and evaluation have a direct bearing on the question of the budget cycle. Some strengthening of our present resources might well be required to enable us to undertake these exercises on a more thorough basis. These measures would be particularly pertinent in dealing with activities in the economic and social field, not only because of their complexity and the fact that they are dispersed throughout the entire network of United Nations agencies, but also because they represent by far the largest single area of expenditure.

23. In dealing with the problems raised by the continued growth in the number of conferences and meetings and their related documentation, the *Ad Hoc* Committee took particular note of the fact that a significant portion of the total expenditures under the regular budget is being devoted to these activities. I have made repeated references to these matters during the past few years in my annual budget estimates and in other related reports which I have submitted to the General Assembly. In general, therefore, I endorse the views expressed by the *Ad Hoc* Committee on this subject. Certain steps have already been taken in an effort to effect some rationalization of the annual conference programme but, as you all know, without success. I reiterate my concern and wish again to emphasize the fact that I firmly believe that the annual conference programme has reached a point where it is becoming virtually impossible to provide adequate servicing, both from the substantive as well as the technical language point of view. I am also aware that the Member States themselves are finding it increasingly difficult to provide representation at the level desired to the various meetings being held. This Committee will no doubt wish to give the matter its special attention in connexion with the report of the *Ad Hoc* Committee of Experts and my report on the programme of meetings for 1967 under agenda item 75. In particular, it may wish to consider the possibility of creating a committee on the programme of meetings within the framework of the General Assembly itself, perhaps as a sub-committee of the General Committee, as suggested by the Special Committee on Co-ordination in its report to the Economic and Social Council this year and as endorsed by the Advisory Committee in paragraphs 48 and 49 of its report [A/6307] on the 1967 budget estimates.

24. I would hope that some positive measures, perhaps along these lines, could be taken during the current session. I would add that, to the extent necessary, reasonable co-ordination does exist between the United Nations and the specialized agencies in the scheduling of meetings, particularly in the case of the larger meetings where the facilities of the United Nations are used by all concerned. However, as indicated in paragraphs 3.22 to 3.26 of the budget estimates for 1967 [A/6305], we shall again be faced in 1967 with a formidable problem in accommodating the total programme of meetings as presently anticipated.

25. In my foreword to the 1967 budget estimates I referred to the established concept of a unified Secretariat working as a team towards the accomplish-

⁴ *Official Records of the Economic and Social Council, Forty-first Session, Annexes*, agenda item 3, document E/4209.

⁵ *Ibid.*, agenda item 31, documents E/4179/Rev.1 and E/4179/Add.1-18.

⁶ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 3.*

ment of common objectives. The successful performance of such a Secretariat depends in the first instance on the maintenance of clear lines of authority and responsibility in respect not only of all substantive activities, but of the central administrative, conference and general services which support them. Any weakening of this essential structure would in my view inevitably result in a loss of efficiency and economy. Within the framework of these basic organizational requirements, mutually satisfactory administrative relationships and servicing arrangements have already been established with UNCTAD. It would be my hope that, with the co-operation of all concerned, equally satisfactory relationships can be worked out with the United Nations Organization for Industrial Development.

26. In conclusion may I repeat that I believe many of the proposals and ideas which have been put forward this year as a consequence of this more searching review of our administrative, financial and budgetary practices, warrant the most careful consideration, and you may rest assured that, within the limit of the Secretariat's capacities, no effort will be spared in attempting to put into effect recommendations which receive the General Assembly's endorsement. There is at present a general awareness of the fact that

global needs are out of all proportion to the resources which can be made available collectively for their satisfaction. It is of the highest importance, therefore, that all possible steps be taken for the better utilization of the funds at the disposal of the family of international organizations through rationalization and more thorough co-ordination. Various expert and advisory bodies—and most notably the *Ad Hoc* Committee and the Advisory Committee on Administrative and Budgetary Questions—have charted the course to be followed. The various administrations concerned, both individually and collectively, stand ready to play their part. There is, however, a fundamental fact which must be faced by Member States themselves. Programmes and priorities are matters determined essentially by decisions taken by governmental organs. It follows that a large measure of responsibility rests on those organs to effect a reconciliation between the level of programme activity desired and the financial resources which can in fact be made available for their effective implementation.

27. I have every confidence, Mr. Chairman, that under your wise and understanding guidance, the Fifth Committee will make a positive and important contribution to this task of reconciliation and building for the future.

DOCUMENT A/C.5/1066

Statement made by the Chairman of the Advisory Committee on Administrative and Budgetary Questions at the 1124th meeting of the Fifth Committee

[Original text: English]
[10 October 1966]

1. It gives me pleasure to address the Fifth Committee following the Secretary-General's introduction of his budget estimates for 1967. Tradition calls for the Chairman of the Advisory Committee on Administrative and Budgetary Questions to report at this juncture, but I also consider it my duty to complement the observations of the Secretary-General on major elements of his budget policy and briefly to explain why the Advisory Committee recommends certain modifications and reductions in the 1967 estimates. I would also wish to report on the other work accomplished by the Advisory Committee since the twentieth session of the General Assembly.

2. The responsibilities of the Advisory Committee fall basically under three headings. The first concerns the review of all budget proposals submitted by the Secretary-General, which being of a continuing nature, annually requires approximately the same attention and time. The second heading involves the examination and reporting on general administrative and budgetary matters not necessarily pertaining to a specific year's budget; although this latter task may sometimes appear to be of a secondary nature, it is becoming increasingly more demanding. The third category includes the annual review of the administrative budgets of the specialized agencies, and all other elements of interagency co-ordination provided for under Article 17, paragraph 3, of the United Nations Charter, which responsibilities have also increased in recent years. I would like to return to these other tasks following my introduction of the Advisory Committee's report [A/6307] on the 1967 budget estimates.

3. Today the Secretary-General expanded [see A/C.5/1065] on his initial submission to the Assembly and referred to certain revisions and additions to the budget estimates which are likely to be forthcoming in the next weeks. Although the Secretary-General has not explicitly presented the formula underlying his budget estimates, he has implicitly indicated that he adopted the general concept of controlled expansion, taking into account the decisions and the strongly expressed desires of Member countries, and his awareness that assessments on Member States should be kept as low as possible. These considerations acknowledged the limitations imposed by the availability and optimum use that could be made of human resources, and the necessity for cautious application of priorities in the timing of new and the continuation of old activities. The decision of the General Assembly at its twentieth session to maintain the established posts under section 3 of the budget at the staffing levels approved for 1966, in part also facilitated preparation of the estimates. The Secretary-General reflected that, in retrospect, the reasons which prompted the Fifth Committee to recommend that the Assembly take that decision have proved valid. Having examined the vacancy situation, the Advisory Committee agrees with the Secretary-General. The effect of this moratorium notwithstanding, the initial estimates for 1967 show a gross increase of approximately \$6.7 million, as compared with 1966, mainly attributable to increased salary scales and post adjustments, a considerable reduction of the staff turnover factor, higher costs of many services, and to an expansion of the activities of UNCTAD, including the estimated one-time cost

in 1967 of the second session of the United Nations Conference on Trade and Development.

4. Two of the major preoccupations of the Secretary-General and the Advisory Committee, are the perennial problems of how to provide adequately for the continuously growing schedule of conferences and meetings and how to meet the rapidly increasing demand for documentation. The Secretary-General himself has referred to this problem today. The Advisory Committee paid special attention to these problems in paragraphs 41 to 68 of its report on the initial 1967 estimates. Today, the Secretary-General stressed that it is virtually impossible to provide adequate servicing of the annual conference programme and suggested again the creation of a General Assembly sub-committee on the programme of meetings with a view to obtaining some rationalization. The Advisory Committee also suggested, in paragraph 48 of its aforementioned report, that the General Assembly give special and urgent attention to this problem. Although most likely the calendar of meetings will be discussed by this Committee at a later stage, Members may wish to address themselves to this matter in their general statements.

5. As is its practice, the Advisory Committee has approached the problem of translating actions required by the United Nations organs into budgetary terms from a somewhat different position than that taken by the Secretary-General. I think this logical and necessary. The Secretary-General, by virtue of his responsibility to ensure implementation of the work programmes with which he is charged, is understandably inclined to provide a margin of safety in the estimates, both in staff resources and in financial terms. Although the Advisory Committee is a control organ by tradition and definition, it is because of its experience and expertise that it is able to examine the Secretary-General's proposals with a more restrictive and conservative approach, and make certain recommendations for reductions in the estimates. In my opinion, this system has worked well. It certainly has been in the interest of Member countries and has contributed to the efficient management of the Organization. In general the Advisory Committee is satisfied that its recommendations have neither left room for overspending or undue largesse, nor have they adversely affected the vital programmes and activities adopted for execution by the majority of Member States. There always remains an element of conjecture and also of judgement connected with certain estimates. However, such imponderable factors and unexpected developments have not adversely affected the well-proven system of budget review in the United Nations.

6. Again this year there were some differences of approach, estimation and of judgement. In proposing an initial gross budget figure of \$128.2 million, the Secretary-General expresses the opinion that a budget of that order would meet all essential requirements, at the same time satisfying the contributing membership that maximum performance will be achieved at minimum cost. Following its detailed review of the estimates, the Advisory Committee is convinced that the proposed work programmes can be executed at a somewhat lower cost without any loss of quality or timing in implementation. The Committee therefore recommends a reduction of some \$1.7 million in the gross expenditure figure of \$128.2 million. In this connexion I was pleased to hear that the Secretary-

General does not contest the recommendations of the Advisory Committee.

7. The Advisory Committee is aware that revised estimates will be submitted by the Secretary-General during the next weeks, which may result in a considerable increase in the initial expenditure budget estimate. Apart from the financial consequences evolving from recent decisions of the Economic and Social Council, there were extraordinary developments which prevented the Secretary-General from including all foreseeable expenses in his initial estimates. There is the forthcoming establishment of the United Nations Organization for Industrial Development and proposals for the extension of the Palais des Nations at Geneva. Moreover, additional credits may be required as a consequence of a proposal to convene a United Nations Conference on the Peaceful Uses of Outer Space in 1967.

8. In its detailed recommendations the Advisory Committee proposed reductions in all but three sections of the initial budget estimates for 1967. The major reductions fall in sections 2, 3 and 20. As regards section 2 (Special meetings and conferences), the Committee recommends a reduction of \$264,500, bringing the amount proposed by the Secretary-General to \$2,014,500, in the belief that the programme of meetings envisaged for 1967 is in excess of the resources, human and material, which the Member countries are in a position to make available to the Secretary-General. As to section 3 (Salaries and wages), the Advisory Committee recommends a total reduction of \$604,000 of which \$365,000 results from its judgement that a staff turnover factor of 6 rather than 5 per cent would be more realistic. The estimates in section 20 (United Nations Conference on Trade and Development), total \$9.1 million, as compared with an appropriation of almost \$6 million for 1966. According to the latest information, the latter figure is in excess of actual requirements. In recommending a reduction of \$300,000 under this heading for 1967, the Advisory Committee concluded, *inter alia*, that a period of six rather than eight weeks was likely to meet the needs of the second Conference on Trade and Development. More recently, the offer of the Government of India to act as host for the second Conference in New Delhi for an estimated seven-week period was accepted.

9. In his foreword to the budget estimates, the Secretary-General also gave thought to the effectiveness of the Secretariat of the United Nations in the light of the vastly growing programme of work. He pointed to the peace-keeping operations, the actions of the Organization in promoting accelerated economic and social development of a growing number of newly independent States, to the work in regard to the independence of colonial countries and peoples, to the participation of the United Nations in attempts to reach agreement on the many and complex phases of disarmament, and in new endeavours concerned with the exploration of peaceful uses of outer space. The Secretary-General related those requirements and the capacity of the Secretariat to carry them out to the level of financial support which might be forthcoming from within the regular budget. He also mentioned the importance of maintaining a high level of staff morale throughout the Secretariat, and its effect on the efficient use of existing credits and resources. I do not propose to dwell on these extremely important

and relevant observations at this time. I would, however, endorse the Secretary-General's request that the General Assembly give attention to all these factors, each having its own identity but to a large extent interrelated and requiring reasonable, flexible yet firm administrative control.

10. After this introduction of the Advisory Committee's report on next year's budget estimates, I would now briefly turn to the Committee's activities over the past twelve months, under what I called the second heading; the administrative and budgetary matters of the United Nations other than those directly connected with a specific year's regular budget. Apart from the annual consideration of audit reports, changes in financial regulations, observations on the pattern of conferences, etc., there are three other areas requiring more work and time. First there is the compelling need of the United Nations and its organs for more adequate accommodation and improved conference and meeting facilities at Geneva. In this connexion, the Advisory Committee met in Geneva for about two weeks in June and July of this year to consider the Secretary-General's proposal for a considerable extension of the Palais des Nations. Additionally, the General Assembly is confronted with problems of office accommodation at Headquarters in New York. There is also the broad range of the conditions of service of the Organization's staff.

11. A third field requiring consideration by the Advisory Committee is the review of administrative budgets and budgetary arrangements of the United Nations programmes financed from sources other than the regular budget. In December 1965 the Advisory Committee reviewed for the first time the administrative budget of UNDP in the same context as it had previously examined the administrative budgets of the Technical Assistance Board and the Special Fund. The administrative costs of UNDP now exceed the entire budgets of some of the specialized agencies. I mention these matters, as I am not entirely convinced that under its present mandate and procedural arrangements the Advisory Committee is in a position to fulfil adequately its duties to the complete satisfaction of Member States.

12. The administrative control of the UNDP budget and other programmes financed from voluntary funds, fall outside the authority of the General Assembly, and consequently also outside the competence of the Advisory Committee. Although the Technical Assistance Board, the Special Fund and more recently UNDP have indicated their appreciation of the comments of the Advisory Committee on their administrative budgets, it lacks the degree of authority under which it examines and reports on the budget of the United Nations. The administrative budget of the Office of the United Nations High Commissioner for Refugees, as part of the regular budget, comes within the Committee's responsibility. Other programmes, however, such as UNRWA, UNICEF and UNITAR, although created by the General Assembly, are not subject to administrative supervision or control by that supreme organ of the Organization or for that matter by its sub-organ the Advisory Committee. The Advisory Committee can make comments on certain administrative budgets, if requested, as in the case of UNDP, but even so it lacks the formal authority to make recommendations.

13. I wonder whether this situation is conducive to the goal of uniformity of administrative and budgetary standards in the United Nations system. Admittedly, the voluntary programmes in general follow the staff arrangements and financial rules and regulations of the United Nations. But many administrative standards, recruitment and other personnel arrangements leave ample room for interpretation, and this may lead to a divergence in the application of the desired standards. But there is a more important issue of principle involved than the practical difficulties which may arise from inadequate co-ordination between administrations. It appears to me to be somewhat anomalous that the administrative authority of the General Assembly with regard to the voluntary programmes it has itself created, is much more limited than its authority under the Charter in regard to the budgets of the specialized agencies. I am aware that the administrations of some of the voluntary programmes have taken certain measures in the required direction, and it is hoped that greater standardization and uniformity will eventuate in the near future.

14. The third heading covers the Advisory Committee's review of the administrative budgets of the specialized agencies and other inter-agency matters of an administrative nature. I will not elaborate on the Committee's annual recurrent co-ordination studies and reports at this juncture, although I will have an opportunity to call attention to these matters later in the session.

15. Today I would only refer to the role of the Advisory Committee with respect to the second report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies [A/6343]. The duties of that Committee under paragraph 6 of General Assembly resolution 2049 (XX), and the issues discussed in its second report are indeed related to the regular and continuing responsibilities of the Advisory Committee. Many of the items covered by the *Ad Hoc* Committee's report have been dealt with in the co-ordination reports of the Advisory Committee, although usually without such concrete recommendations as now submitted in the *Ad Hoc* Committee's second report.

16. It may be redundant to say that the Advisory Committee, having for many years fostered a more comprehensive discharge by the General Assembly of its responsibilities under Article 17, paragraph 3, of the Charter, warmly welcomed the Assembly's decision. Moreover, resolution 2049 (XX) specifically asked for the assistance of the Advisory Committee in the study. A number of individual members of the Advisory Committee also represented their Governments in the *Ad Hoc* Committee of Experts, and in addition the Chairman of the Advisory Committee was present at many meetings of the *Ad Hoc* Committee.

17. The Advisory Committee is aware of the Secretary-General's intention in due time to offer comments on the second report of the *Ad Hoc* Committee to the General Assembly. The Advisory Committee may also wish to submit certain observations at a later date. Having had an opportunity to study the second report to some extent and recognizing its special importance, the Committee felt that it would be fitting for me at this time to make a few general remarks on its behalf.

18. The report contains recommendations of great value, relating to such matters as long-term planning,

conferences and documentation, audit and inspection, and the budget cycle, which when implemented could be of considerable assistance in the realization of the objectives set forth in paragraph 6, sub-paragraph (b), of resolution 2049 (XX). The Advisory Committee hopes, therefore, that the General Assembly will see fit this session to give the report as a whole its general endorsement. It is quite possible that some of the recommendations will need to be elaborated upon and amplified, while some others may need to be refined. Where matters of a technical nature are involved and present practices differ in the various organizations, discussions between those organizations at the expert level, preferably under the umbrella of ACC, may lead to such refinement. Additionally, the *Ad Hoc* Committee has recommended that a few complicated problems receive further study. In some cases there will also be a need for consideration by the governing bodies of the specialized agencies. The Advisory Committee also hopes that ACC will give the relevant recommendations its early and sympathetic attention. Because of these various matters the Committee recognizes that complete and immediate compliance with all the recommendations may not in some instances be easy. Nevertheless, the Advisory Committee feels that every effort should be made by all concerned to put speedily into effect as many of the recommendations as possible, and that at its twenty-second session the General Assembly should receive a comprehensive report on the progress made in the implementation of the recommendations. Mr. Chairman, this concludes what I have to say on this subject on behalf of the Advisory Committee.

19. The *Ad Hoc* Committee recommends, *inter alia*, that new assignments be given to the Advisory Committee. In the first place, further to explore ways and means of bringing the layout of the budgets of the various organizations into line. In the second place, to review in depth, more systematically than heretofore, the administrative and management procedures concerning the programmes and budgets of the specialized agencies. And thirdly, to participate in a detailed study of a biennial budget cycle for the United Nations. The Advisory Committee is of course prepared in principle to accept these assignments. It has already devoted a fair amount of time to the studies mentioned in the first and second assignments. At this time it would only observe that the three new duties, if adequately discharged, require much preparation in close co-operation with the respective administrations. The Advisory Committee is already experiencing some difficulty in scheduling its regular expanding agenda in the most efficacious way. For that reason, consideration will have to be given to the introduction of certain improvements in the working arrangements of the Committee itself. When the General Assembly has endorsed the *Ad Hoc* Committee's report, you may be assured, Mr. Chairman, that the Advisory Committee will do its utmost to carry out the special responsibilities assigned to it. Of course these last remarks are also made on behalf of the Advisory Committee.

20. In the domain of interagency co-ordination, the Advisory Committee, apart from its involvement in the work of the *Ad Hoc* Committee, followed with interest the efforts of the United Nations family to reach some form of standardization of budget documents, one of the prerequisites leading to improved comparability of programmes and their budgetary im-

plications. The ACC examined the difficulties involved and provisionally arrived at a negative conclusion as to the practicability of such a layout. Even so, ACC made some progress in presenting to the Economic and Social Council a broad classification⁷ of programme activities and their financial implications in the economic, social and human rights fields. In due course, ACC may find it possible to refine that classification.

21. In paragraphs 91 to 101 of its own budget report the Advisory Committee acknowledged the existing difficulties and the possible need for the organizations to introduce some changes in their budget structure, but felt it would eventually prove possible to take further steps towards comparability, if not full uniformity. The *Ad Hoc* Committee understandably wished to improve the situation, and referred the question to the Advisory Committee for further study. As I mentioned before, the Advisory Committee is prepared to undertake such a study. However, it is hardly necessary to say that progress can be achieved only if full co-operation is received from all organizations.

22. This brings me to the more specific problem of how the programme and budget of the United Nations itself can be presented in a more integrated way. In this context, some of the specialized agencies have made greater progress than our own Organization. May I take the liberty of drawing delegates' attention to paragraphs 77 to 90 of the Advisory Committee's budget report in which it offers observations on the two major aspects of this problem; the format of the United Nations budget, and the work programme in the economic and related fields and its budgetary implications. Today, the Secretary-General drew attention to the progress made. I also acknowledge that progress has been accomplished in two ways. In the first place, the Secretary-General has introduced a new annex to the 1967 budget estimates, providing distribution of total provisions under all budget sections by main field of activity and by object of expenditure. It covers the work envisaged for implementation in the economic and social fields, political, legal, information, administrative and all other activities, including the administrative and substantive support of the United Nations participation in technical co-operation programmes. In the second place, the Secretary-General submitted to the Economic and Social Council a considerably improved report⁸ setting forth a large part of the Organization's work programme in the economic, social and human rights fields in relation to its budgetary requirements. The Advisory Committee wishes to express its appreciation of these innovations, both of which have their merits and contribute to a better understanding of action in relation to cost. It hopes that efforts to bring the two new presentations closer together, each involving a considerable workload, will succeed. It suggests that future presentations to the Council include the work programme of such separate units as UNCTAD and UNOID.

23. Last year when I introduced⁹ the Advisory Committee's report on the 1966 budget estimates, I voiced the hope that discussions in the Fifth Committee would have a distinct and direct impact on

⁷ See foot-note 4.

⁸ See foot-note 5.

⁹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 76, document A/C.5/1038, para. 28.

future decisions of the Assembly as a whole, just as in recent years the impact of decisions of substantive bodies have had their effect on the discussions in the Fifth Committee. This would serve to demonstrate that the Main Committees of the Assembly act in a concerted and integrated manner, rather than as separate units exclusively pursuing their own objectives. Although there is room for further progress, mutual understanding is beginning to emerge between the substantive and decision-making organs on the one side, and budgetary organs on the other.

24. In conclusion, may I venture to say that it is my conviction that budgetary aspects of the activities of the United Nations should not predominate the vitally important work of our Organization. Yet, neither should they be neglected. As the Secretary-

General has stated in his foreword to the budget estimates for 1967, the success of the United Nations in its many endeavours in no small measure depends on the effectiveness of the Secretariat. Effectiveness largely depends on good administration and on full productiveness of the available resources. The Secretary-General does his utmost to ensure that these conditions are fulfilled. The General Assembly expects the Advisory Committee to closely follow the Secretary-General's efforts in this respect, and to assess the measure of success achieved. While carrying out its own primary tasks, the Advisory Committee would hope that within the limits of its responsibility as a subsidiary organ of the General Assembly, it also will find itself in the position to assist and support the Secretary-General in his endeavours.

PARTICULAR QUESTIONS RELATING TO THE BUDGET

Final estimates under part V (Technical programmes)

DOCUMENT A/C.5/1060

Note by the Secretary-General

[Original text: English]
[23 September 1966]

1. In accordance with section II of Economic and Social Council resolution 1062 (XXXIX), of 13 July 1965, the Secretary-General included in his initial budget estimates for 1967 (A/6305) a provision of \$6.4 million under part V (Technical programmes) for technical assistance activities financed from the regular budget of the United Nations. A final submission was to be made to the General Assembly at its twenty-first session when the views of the Governing Council of the United Nations Development Programme were known, and the decisions thereon by the Economic and Social Council at its forty-first session were available.

2. The Secretary-General's detailed programme proposals¹⁰ for the use of the \$6.4 million were submitted directly to and reviewed by the Governing Council of UNDP at its second session, held at Milan from 8 to 24 June 1966. The Governing Council also reviewed such of the programme recommendations by United Nations commissions and committees as might affect the use or level of technical assistance funds.

3. In terms of the programme proposals, \$3,357,900 would be devoted to country programmes and \$3,042,100 to regional and interregional projects. As in the previous year, the country proposals were based on requests received from Governments and followed the priorities which they had established. The regional and interregional projects resulted from requests received from groups of countries which had a common interest in them, from requests from Governments for regional advisory services and from recommendations emanating from regional economic commissions and various United Nations committees and commissions.

4. The Governing Council of UNDP, in paragraph

221 of its report on its second session¹¹ to the Economic and Social Council, indicated that: "It was the consensus of the Council that a separate United Nations regular programme of technical assistance should be maintained"; in paragraph 225 it also recommended "the level of appropriations of \$6.4 million proposed for that part of the United Nations 1967 operational activities which are covered by the regular budget". Paragraph 218 of the report included a summary of the initial distribution of the 1967 regular programme among the major fields of activity, as approved by the Governing Council in paragraph 225.

5. The decisions and recommendations of the Governing Council were endorsed by the Economic and Social Council at its forty-first session by its resolution 1120 (XLI), of 18 July 1966.

6. Based on the decisions referred to above, the Secretary-General requests appropriations under part V of the budget estimates for 1967 in the total amount of \$6.4 million to be distributed among the three budget sections as follows:

Section	United States dollars
13. Economic development; social development; and public administration	6,105,000
14. Human rights advisory services	220,000
15. Narcotic drugs control	75,000
TOTAL	6,400,000

7. The above table shows that the totals for each of the three sections remain unchanged as compared with the 1966 appropriations. The details of the initial programme for the three main fields financed on a consolidated basis under section 13 results in the following distribution:

¹¹ Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 11 A.

¹⁰ Document DP/RP/1/Add.2 (mimeographed).

Field	Initial programme		
	1967	1966	1965
	<i>United States dollars</i>		
Economic development ^a	3,449,600	3,296,300	3,108,598
Social development	1,818,200	1,918,800	1,951,698
Public administration	837,200	889,900	1,083,310
TOTAL, section 13	6,105,000	6,105,000	6,143,606

^a The appropriations requested for economic development include the following amounts for industrial development: \$1,053,000 for 1967, \$1,054,000 for 1966 and \$850,054 for 1965.

8. To permit the continued application of the recommendation of the former Technical Assistance Committee, as endorsed by the Advisory Committee on Administrative and Budgetary Questions, for greater comparability between the financial procedures and practices approved for the Expanded Programme component of UNDP and those relating to the regular programme, a paragraph to this effect has again been included in the draft budget resolution for the financial year 1967 (see A/6305, p. xi, draft resolution A, para. 3).

9. Under the terms of this paragraph the appropriations under part V would be administered in accordance with the established procedures of the Expanded Programme component of UNDP, an operation to which the programmes covered by part V are closely related. Specifically, the appropriations would remain available:

(a) For 24 months following the end of the financial year to which they relate, to the extent that they are required to discharge obligations in respect of fellowship awards made during that year;

(b) For 12 months following the end of the financial year to which they relate, to the extent that they are required to discharge obligations in respect of equipment purchase orders issued during that year;

(c) For 12 months following the end of the financial year to which they relate, to the extent that they are required to discharge obligations in respect of appointments of short-term project personnel entered into not later than 30 September of that year, provided that the services so covered by the obligation will have been rendered by 30 June of the succeeding financial year.

Programme of improvements to and major maintenance of the Palais des Nations at Geneva

DOCUMENT A/C.5/1075

Interim report of the Secretary-General

[Original text: English]
[28 October 1966]

1. The General Assembly, at its twentieth session, considered proposals submitted by the Secretary-General (A/C.5/1009¹² and A/C.5/1040¹²) for a programme of improvements to and major maintenance of the existing premises and equipment of the Palais des Nations at Geneva.

2. In its related report,¹³ the Advisory Committee on Administrative and Budgetary Questions recommended approval of the programme proposed by the Secretary-General, with the exception of the revamping of the press and public services areas, pending re-examination in 1966 in the light of the additional proposals which were to be submitted for the extension of the conference areas of the Palais.

3. On the recommendation of the Fifth Committee,¹⁴ the programme of maintenance and improvements (with the exception of the item relating to the reorganization of the press and public services areas) was approved in principle by the General Assembly, subject to the submission by the Secretary-General

of an annual review of the programme. The General Assembly also:

(a) Authorized the Secretary-General to accept the generous offer of the Swiss Federal Government of an interest-free loan of 8.5 million Swiss francs (\$1,967,000) reimbursable over the five-year period 1970-1974;

(b) Authorized the Secretary-General to utilize the proceeds of this loan and go forward with the projects planned for implementation in 1966, as well as the preparation of plans and cost estimates for the proposed extension of the conference area; and

(c) Decided to provide for the financing of the programme in such a way that, taking account of the repayment of the loan over the years 1970-1974, the amounts to be provided for in the budget estimates in successive years over the period 1967-1974 should be approximately equal, i.e., of the order of \$611,775 annually.

4. In accordance with these decisions, the necessary agreements were entered into by the Secretary-General with the Swiss Federal Government for placing at the disposition of the United Nations, as required, funds up to a total of 8.5 million Swiss francs, without interest and reimbursable during the five years 1970-

¹² See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 76.

¹³ *Ibid.*, document A/6137, para. 26.

¹⁴ *Ibid.*, document A/6223, para. 39.

1974. Provision was also made in the 1967 estimates for the first instalment of \$612,000 to be included in the budget in equal amounts for the successive years 1967-1974.

5. The following table shows, in relation to the total programme, the projects which had been indicated in the annex to document A/C.5/1040 for execution in 1966:

<i>Project</i>	<i>Total estimated cost</i>	<i>Cost of 1966 programme</i>
I. IMPROVEMENTS		
	<i>United States dollars</i>	
(i) Assembly Hall	54,000	54,000
(ii) Main entrance lobby	220,000	100,000
(iii) Air-conditioning	400,000	
Cafeteria		50,000
(iv) Conference room arrangements for documents officers and conference officers	23,000	23,000
(v) Departure of WHO (furnishing of offices \$206,000; painting \$70,000; cloakrooms, store-rooms and archives \$50,000; moving \$25,000; pneumatic tube between the language services and the documents reproduction area \$15,000)	366,000	366,000
(vi) Creation of offices by installation of partitions	20,000	20,000
(vii) Simultaneous interpretation equipment (Rooms C-3 and H-3, and mobile equipment)	56,000	56,000
(viii) Additional small grill-bar	20,000	20,000
TOTAL, I	1,159,000	689,000
II. MAJOR MAINTENANCE		
(i) Roads and car parks	430,000	80,000
(ii) Roofs	42,000	42,000
(iii) Elevators	380,000	120,000
(iv) Floors	325,000	30,000
(v) Villas	178,000	150,000
(vi) Narcotics Laboratory (Division of Narcotic Drugs)	40,000	40,000
(vii) Medical Service	33,000	33,000
TOTAL, II	1,428,000	495,000
TOTAL, I and II	2,587,000	1,184,000
<i>Add:</i>		
Preparation of plans and cost estimates for extension of conference facilities at the Palais des Nations	150,000	150,000
TOTAL	2,737,000	1,334,000
<i>Add:</i>		
Other projects commencing in later years only	1,457,200 ^a	
Provision for contingencies (7.5 per cent)	280,000	
Fees for architects, engineers and other consultants (5 per cent)	200,000	
Administrative expenses	220,000	
GRAND TOTAL	4,894,200	

^a Includes \$412,000 for improvements to press and public services areas, deferred for further study in 1966 in light of the proposals for extension of the conference area.

6. Further proposals regarding the press and public services areas were deferred pending consideration by the General Assembly at its twenty-first session of the interim reports of the Secretary-General (A/C.5/1054) and of the Advisory Committee on Administrative and Budgetary Questions (A/6385) relating to the proposed extension of the conference facilities at the Palais, as well as of the further reports to be submitted on final plans and cost estimates for this purpose. In effect, it has been the policy, before work is begun, to weigh each of the maintenance and improvement projects scheduled for implementation in 1966 in terms of the possible effects of the proposed extension plans.

7. Of the projects shown under the heading "I. Improvements" in the table above, all are being pro-

ceeded with in accordance with the original plans, with the exception of item (iii) relating to the air-conditioning of the cafeteria (\$50,000), item (viii) additional grill-bar (\$20,000), and that part of item (v) which relates to the installation of a pneumatic tube between the language services and the documents reproduction area (\$15,000). In the first two cases the work is being deferred pending a resolution of the question of restaurant facilities in conjunction with the proposed extension of the premises; the work on the pneumatic tube is being deferred pending further studies of a technical nature, taking into account the proposed extension plans. Furthermore, as a result of the deferment to 1967 of some of the work planned in the Assembly Hall, as provided for under item (i), actual costs in

1966 are likely to be of the order of \$30,000 rather than \$54,000, as originally envisaged.

8. Of the projects shown in the table under the heading "II. Major maintenance" all are being carried on in accordance with the original plans with the exception of item (vi) relating to the removal to a larger area of the Narcotics Laboratory for which an expenditure of \$40,000 had been anticipated in 1966. This project has been found to present certain technical difficulties which will require further study.

9. With regard to maintenance of the villas, as provided for under item (v), the programme for 1966 includes \$150,000 for the renovation of two of the villas located within the grounds of the Palais, namely, "La Pelouse" (\$75,000) and "La Fenêtre" (\$75,000). The restoration and renovation of "La Pelouse" was substantially completed at the end of June. With respect to "La Fenêtre", the work has not yet commenced and it is probable that the major part of this project may be carried over to 1967.

10. The total estimated cost of the projects to be deferred, as described in paragraphs 7, 8 and 9 above, is in a total amount of \$224,000.

11. It has been found expedient, on the other hand, to undertake in 1966, at an additional estimated cost of \$134,000, certain projects originally scheduled for later years, as follows:

	<i>United States dollars</i>
(a) <i>Lobby of Assembly Hall</i>	72,000
<p>It was considered that the transformation of the large area situated directly above the main entrance lobby into a reading room and lounge for representatives attending large conferences in the Assembly Hall, involving the provision of appropriate shades and draperies, lighting facilities and furniture, could be carried out most readily and economically in conjunction with projects being undertaken in 1966 relating to the Assembly Hall and the main entrance lobby.</p>	
(b) <i>Room XVI</i>	20,000
<p>Based on the same considerations as stated under the heading (a) above, steps have been taken to provide this room, which has been in use since 1961, with window shades, radiator covers and draperies.</p>	
(c) <i>Lighting</i>	25,000
<p>Improvements in lighting arrangements, at a total estimated cost of \$256,700, were originally scheduled to commence in 1969. No proposals are made at this time for any change in that schedule except in respect of the bookstocks of the Library, where the lighting is poor. It is proposed that this small segment of the programme be carried out in 1966.</p>	
(d) <i>Simultaneous interpretation equipment</i>	17,000
<p>It has been found expedient and economical to purchase the equipment required for Room X (originally scheduled for 1969) at the same time as that required for the 1966 programme.</p>	
TOTAL	134,000

12. In the case of projects being undertaken in 1966 it is anticipated that actual requirements will

exceed the initial cost estimates by a total amount of \$50,000 which might be considered as falling within the over-all provision of \$280,000 for contingencies. In addition to the general repair and maintenance work originally planned in the case of the villa "La Pelouse", measures have been taken to provide on the first floor living quarters for the Secretary-General of the United Nations Conference on Trade and Development and to create on the ground floor a small conference room and ten offices for the use of small expert groups and the other UNCTAD consultants. As a result, total expenditures have been in an amount of \$109,000 involving an increase of \$34,000 over the initial estimate of \$75,000. The expenses incurred in respect of the apartment and its furnishings will be recovered in the course of time in the form of rental paid. There have also been increases in the price of simultaneous interpretation equipment purchased in connexion with a number of improvement projects in the conference area of the Palais itself. Additional costs incurred have been in a total amount of \$16,000.

13. The effect of these adjustments of the 1966 programme for improvements and major maintenance is as follows:

	<i>United States dollars</i>
Original estimate	1,184,000
Projects scheduled for later years but now to be carried out in 1966	134,000
Increase in cost of projects	50,000
TOTAL	1,368,000
<i>Less:</i>	
Projects deferred	224,000
Revised estimate	1,144,000

The cash requirements in 1966, to be financed from the loan being made available by the Swiss Federal Government, are estimated at \$800,000 to \$1,000,000.

14. As regards the assessment of the over-all costs of the programme, it may be noted that, while local labour rates have shown some increases in 1965 and 1966, the competitive position in the building trades has been such that construction costs have remained relatively stable. It cannot be predicted at this time whether or not these conditions will continue during the duration of the programme extending to 1974.

15. Finally, it may be noted that the approval of the General Assembly included an authorization to the Secretary-General to expend up to \$75,000 in 1966 for architectural and engineering studies in connexion with preliminary plans for extension of the conference facilities of the Palais des Nations and, subject to obtaining prior approval of the Advisory Committee, a further amount of \$75,000 for finalizing such plans and cost estimates. These plans have been carried forward throughout 1966, and the Advisory Committee at its summer session concurred in the proposals of the Secretary-General for the additional expenditure to finalize the plans and cost estimates. The proposals for extension of the Palais, based on these studies, are being separately presented.

DOCUMENT A/6526

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[23 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the Secretary-General's progress report (A/C.5/1075), on the programme of improvements to and major maintenance of the Palais des Nations at Geneva, approved in principle by the General Assembly at its twentieth session,¹⁵ subject to the submission by the Secretary-General of an annual review of the programme.

2. In approving the proposed programme, with the exception of the reorganization of the press and public services areas—the General Assembly also:

(a) Authorized the Secretary-General to accept the generous offer of the Swiss Federal Government of an interest-free loan of 8.5 million Swiss francs (\$1,967,000) reimbursable over the 5-year period 1970-1974;

(b) Authorized the Secretary-General to utilize the proceeds of this loan, to go forward with the projects planned for implementation in 1966 as well as the preparation of plans and cost estimates for the proposed extension of the conference area; and

(c) Decided to provide for the financing of the programme in such a way that, taking account of the repayment of the loan over the years 1970-1974, the amounts to be provided for in the budget estimates in successive years over the period 1967-1974 should be approximately equal, i.e. of the order of \$611,775 annually.

3. Following the General Assembly's action, the Secretary-General initiated implementation of the programme in 1966, as set forth in the annex to document A/C.5/1040.¹⁶ However, pending consideration by the General Assembly of the Secretary-General's proposals for an extension of the conference facilities and ancillary services at Geneva (A/C.5/1054, A/C.5/1076) and the Advisory Committee's reports and recommendations thereon (A/6385, A/6524) it was felt advisable to hold in abeyance certain of the projects scheduled for 1966 which might be affected by the proposed extension at the Palais.

4. In the Secretary-General's interim report (A/C.5/1075), under the heading "I. Improvements" in the table appearing in paragraph 5, the largest project deferred relates to the revamping of the press and public services area at an estimated cost of \$412,000. Other items postponed include the air-conditioning of the cafeteria (\$50,000), the additional grill-bar (\$20,000), and the installation of a pneumatic tube between the language services and the documents reproduction area (\$15,000). In addition, as a result of the deferment to 1967 of part of the work planned in the Assembly Hall, actual costs in 1966 are likely to amount to \$30,000 instead of \$54,000 as originally envisaged.

5. All of the items included under the heading "II. Major maintenance" for 1966 are being implemented with the exception of the relocation of the Narcotics

Laboratory, for which an expenditure of \$40,000 had been anticipated in 1966. Certain technical difficulties involved in its removal require further study. As regards the estimate of \$150,000 for 1966 relating to the renovation of the villas "La Pelouse" (\$75,000) and "La Fenêtre" (\$75,000), the restoration of the former was substantially completed at the end of June 1966. As a result of providing first-floor living quarters in "La Pelouse" for the Secretary-General of UNCTAD, plus a small conference room and 10 offices on the ground floor, actual expenditures for this villa in 1966 amount to \$109,000, an increase of \$34,000 over the original estimate of \$75,000. The expenses incurred in respect of the apartment and its furnishings will be recovered in the course of time in the form of rental paid. With respect to the villa "La Fenêtre", the work has not yet been started, and the major part of the project may be carried over to 1967. Additional costs of \$16,000 have been incurred owing to price increases in the purchase of simultaneous interpretation equipment in connexion with a number of improvement projects in the conference area of the Palais.

6. The total estimated cost of the projects to be deferred in the amount of \$224,000 is partly offset by the implementation in 1966 of certain projects originally scheduled for later years at an estimated cost of \$134,000. These relate to the transformation of the large area above the lobby of the Assembly Hall into a reading room and lounge for representatives and the necessary equipment therefor (\$72,000); provision of window shades, radiator covers and draperies for room XVI (\$20,000); improvements in lighting arrangements in the Library (\$25,000); and the purchase of simultaneous interpretation equipment for room X (\$17,000). In most cases the work being undertaken bears a direct relationship to other projects in the same areas approved for 1966, and it was therefore considered expedient to advance these parts of the work programme.

7. The effect of these adjustments of the 1966 programme for improvements and major maintenance is summarized below:

	<i>United States dollars</i>
Original estimate	1,184,000
Projects scheduled for later years now to be carried out in 1966	134,000
Increase in cost of projects	50,000
	<hr/>
	TOTAL 1,368,000
Less:	
Projects deferred	224,000
	<hr/>
	Revised estimate 1,144,000

It is estimated that the cash requirements in 1966, to be financed from the loan made available by the Swiss Federal Government, will be between \$800,000 and \$1 million.

8. As regards the over-all costs of the programme, the Advisory Committee has noted that, while local labour rates have shown some increase in 1965 and

¹⁵ *Ibid.*, document A/6223, para. 39 and "Action taken by the General Assembly", p. 151.

¹⁶ See foot-note 12.

1966, the competitive position in the building trades at Geneva has been such that construction costs have remained relatively stable. The Committee assumes that the Secretary-General will keep the situation under review in his annual progress reports to the General Assembly.

9. The Advisory Committee recognizes that the proposed extension of the conference facilities and ancillary services at Geneva calls for a careful appraisal and continuing review of the programme of improvements and major maintenance of the Palais des Nations. The Committee appreciates that the Secretary-General, as a matter of policy, considers each of the projects in the light of current developments and needs before executing the work.

10. While the Advisory Committee understands that it may become necessary to adjust the schedule of certain projects as the work progresses, it assumes that every effort will be made to follow as closely as possible the work programme set forth in the annex to document A/C.5/1040. In this connexion and in the light of the decision to be taken by the General Assembly at its twenty-first session concerning the proposed extension of the Palais des Nations, the Ad-

visory Committee suggests that the Secretary-General might wish to include in his annual review of the programme for submission to the Assembly at its twenty-second session, a revised schedule of cost estimates distributed by years of the entire programme of improvements and major maintenance of the existing Palais des Nations, approved in principle by the General Assembly at its twentieth session.

11. Having reviewed the report on the programme of improvements and major maintenance of the Palais des Nations (A/C.5/1075), and noting that the revisions proposed in the scheduling of the work can be accommodated within the annual budget amounts approved by the General Assembly, the Advisory Committee considers that the Secretary-General should proceed with the implementation of the projects as envisaged by him, and submit a further progress report to the General Assembly at its twenty-second session.

12. The Advisory Committee's observations and recommendations on the Secretary-General's proposals for the extension of the conference facilities at the Palais des Nations are contained in its reports to the General Assembly contained in documents A/6385 and A/6524.

Construction of the United Nations building in Santiago, Chile

DOCUMENT A/C.5/1081

Progress report by the Secretary-General

[Original text: English]
[3 November 1966]

BACKGROUND

1. In a report¹⁷ to the General Assembly at its twentieth session, the Secretary-General indicated that as of August 1965 total estimated requirements for the completion of the United Nations building in Santiago, Chile, were in the amount of \$4,075,000. At the same session, the Assembly took certain final appropriation actions in respect of 1965 and 1966 which brought the total provisions under the regular budget to date to an amount of \$3,834,000, the balance of the requirements to be met from the proceeds of a gift programme and other revenue. Of the total appropriation of \$3,834,000, an amount of \$1,200,000 represented an advance provision to be covered in due course by a donation by the Chilean Government of an equivalent amount of Chilean currency to be paid to the United Nations in ten annual instalments beginning in 1965 and to be credited to miscellaneous income as received.

PROGRESS ON CONSTRUCTION

2. The basic frame of the building was completed on 31 January 1966, with the exception of a number of minor projects which, for various reasons, it was felt advisable to undertake later in conjunction with certain phases of the final installations and finishings.

3. As of 1 October 1966, some 85 per cent of the installations and finishing stage, not including exterior work, had been completed. A limited number

of General Service staff had moved into the building in September. Occupancy of the building by the staff in general began in October and will be completed during November.

4. A minimum plan of exterior work has been approved and is in execution, although certain projects will be delayed until it is possible to remove temporary construction facilities from the premises. This minimum programme, except planting, should be completed in 1966.

FINANCIAL STATUS OF THE PROJECT

5. The financial outcome cannot be established with any certainty until completion of the work that still remains to be done and the settlement of a number of administrative matters, such as disposal of excess materials and equipment, and the final liquidation of certain contracts and sub-contracts. As of 30 September 1966, a contingency provision of \$200,500 remained in respect of work yet to be accomplished. Bearing in mind that this contingency provision was originally established by means of reductions in project plans, it is the intention to use any margin which may remain to restore certain items of higher priority as well as to establish a small reserve for any adjustments which may be found necessary after some experience of occupancy. For these purposes it will be necessary to carry forward to 1967 any balance of funds available on 31 December 1966. A final report on the completion of the project with a final financial statement will be submitted to the General Assembly at its twenty-second session.

¹⁷ Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 76, document A/C.5/1025, para. 15.

REVISED ESTIMATES

Section 1

Revised estimates resulting from the admission of new Member States and from additional requirements of the Board of Auditors

DOCUMENT A/C.5/1101

Report of the Secretary-General

[Original text: English]
[9 December 1966]

ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

1. At the 1409th and 1444th plenary meetings of the General Assembly held on 20 September and 17 October 1966, Guyana, Botswana and Lesotho were admitted to membership of the United Nations. Moreover, the Government of Indonesia resumed its relations with the United Nations as of 28 September 1966. At the 1487th plenary meeting, on 9 December 1966, Barbados was admitted to membership.

2. In terms of General Assembly resolution 1798 (XVII), of 11 December 1962, Member States are entitled to reimbursement of the travel costs of a maximum of five representatives or alternate representatives in respect of regular sessions of the General Assembly. Consequently, the admission of the four new Member States and the reseating of Indonesia will result in additional financial requirements under section 1 (Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies) for both 1966 and 1967.

3. Based on the cost of one first-class and four economy-class fares by jet aircraft between home capitals and New York and return, the average annual expenditure in respect of each of these Member States is estimated at \$4,700. Therefore, an additional credit in the amount of \$23,500 is requested for 1967 under section 1, chapter 1, heading (i) (Travel of representatives to the General Assembly).

4. Should any additional expenditure arise during 1966 for the attendance of these new Member States and Indonesia at the twenty-first session of the General Assembly, the Secretary-General would undertake to meet these added costs within the limits of the supplementary estimates as submitted in document A/6436,¹⁸ dated 23 September 1966.

BOARD OF AUDITORS

5. An initial estimate of \$138,200 was included under section 1, chapter I, heading (ii) (Travel and other expenses of members of commissions, committees and other subsidiary bodies), to cover expenses to be incurred by the Board of Auditors in the external audit of the accounts of the United Nations. This estimate was tentative, inasmuch as the actual requirements of the Board could not be ascertained until its first meeting in May, 1966. At this meeting the Board estimated that the anticipated costs for 1967 would be some \$9,900 higher than the initial estimate and requested the Secretary-General to revise that estimate accordingly. An additional credit of \$9,900 is therefore requested for 1967 under section 1, chapter I, heading (ii).

6. Accordingly, the total increase under section 1 for the purposes indicated in paragraphs 3 and 5 above would be in the amount of \$33,400 for 1967.

¹⁸ *Ibid.*, Twenty-first Session, Annexes, agenda item 73.

Sections 1, 2, 3, 4, 5, 8, 9, 10 and income section 1

Revised estimates resulting from decisions taken by the Economic and Social Council at its fortieth and forty-first sessions

DOCUMENT A/C.5/1056*

Report of the Secretary-General

[Original text: English]
[16 September 1966]

1. The Economic and Social Council, at its fortieth and forty-first sessions, held, respectively, in New York from 25 February to 10 March 1966 and in Geneva from 5 July to 5 August 1966, adopted a number of resolutions the implementation of which would involve the expenditure of United Nations funds. In accordance with rule 34, paragraph 2, of the rules of procedure of the Council, the Secretary-General submitted separate cost estimates in respect of each of the various proposals prior to their adoption. In cases where the proposals originated in one of the subsidiary bodies of the Council, similar action was taken at the time the recommendations in question came up

for decision. At the close of the fortieth session, the Council was provided with a recapitulation of the financial implications of all the decisions taken;¹⁹ a similar statement,²⁰ including the implications of the further decisions taken at its forty-first session, was submitted to the Council at the end of the latter session.

2. Where possible, the Council was informed of the action the Secretary-General intended to take to secure the necessary financial provision to cover the new requirements. This would involve a review and

¹⁹ *Official Records of the Economic and Social Council, Fortieth Session, Annexes*, agenda item 18, document E/4165.

²⁰ *Ibid.*, Forty-first Session, Annexes, agenda item 31, document E/4262.

* Incorporating document A/C.5/1056/Corr.1.

analysis of the totality of these requirements within the context of the resources already made available for 1966 and those requested for 1967 in the initial budget estimates for that year (A/6305). It was also pointed out that any supplementary estimates for 1966 or revised estimates for 1967 which it might prove necessary to submit to the General Assembly at its twenty-first session would be subject to review by the Advisory Committee on Administrative and Budgetary Questions and by the Fifth Committee of the General Assembly.

3. The total net additional expenditures in 1966 and 1967 for the implementation of the relevant decisions of the Council, as described in detail in paragraphs 7 *et seq.* below, are now estimated at \$1,000,490, of which \$49,700 would be incurred in 1966 and \$950,790 in 1967. In some cases there will be related budgetary implications for subsequent years. An analysis by Council resolution of the estimated costs referred to is given in annex II. The Secretary-General undertakes to meet within the existing appropriations for 1966 the additional costs arising during the current year. Of the total new requirements for 1967, \$36,550 can be met within the initial estimates already submitted for that year. On this basis, the Secretary-General requests a total net additional appropriation for 1967 in the amount of \$914,240. These requirements are recapitulated, by budget section, in annex III. Related requirements for subsequent years will be taken into account, as necessary, in future annual budget submissions.

4. The present revised estimates do not cover the additional requirements which are expected to arise as a result of the decisions to be taken by the General Assembly at its twenty-first session on the operating procedures and administrative arrangements of the United Nations Organization for Industrial Development, established in terms of General Assembly resolution 2089 (XX), of 20 December 1965. The Assembly will have before it for this purpose the report²¹ of the *ad hoc* committee set up under that resolution to study these matters, as well as the relevant reports of the Committee for Industrial Development²² and of the Economic and Social Council.²³ Separate cost estimates will be submitted to the General Assembly under this heading in due course.

5. As regards the proposals made in the present report for the establishment of new posts, it will be recalled that during the twentieth session the Fifth Committee, at its 1088th meeting, on 8 November 1965, formally resolved to include the following paragraph in its report on the budget estimates for 1966:

"The Committee decided to approve the recommendations of the Advisory Committee concerning the establishment of new posts proposed by the Secretary-General under section 3 of the budget estimates for 1966. However, the Committee considered that, in the prevailing circumstances, it was not only unlikely that qualified candidates could be recruited for all of these posts in 1966 but that it was also in the interest of the Organization to plan for the orderly recruitment for these posts spread over the years 1966 and 1967. This, in the view of the

Fifth Committee, should make it unnecessary for the Secretary-General to provide for additional posts in section 3 of his budget estimates for 1967, and the Secretary-General was accordingly requested to base his budgetary requests for 1967 on the staffing levels approved for 1966."²⁴

6. Prior to this decision, at the 1087th meeting of the Fifth Committee, the representative of the Secretary-General, Mr. Turner, had indicated that the Secretary-General would be ready to proceed on this basis; at the same time he observed that the 1967 estimates would, of course, be affected by any decisions with staff implications taken in the course of 1966. Such decisions have now been taken inasmuch as a number of the resolutions dealt with in this report call for new work programmes which could not be undertaken without some addition to the staff resources requested in the initial estimates for the financial year 1967. In paragraph 8 of his foreword to those estimates, the Secretary-General, before the extent of the Council's new requirements became known, had stated that, in certain areas of the Secretariat, difficulties would already arise in 1967 where some additional strengthening might prove unavoidable and that, to the extent such needs became evident, he intended to meet them on a priority basis through the flexible use of the totality of the credits available to him. It follows that the capacity of the Secretary-General to provide from existing resources the additional staff required for the implementation of the new work programmes called for by the Council is extremely limited. He therefore considers it necessary to request the establishment of 41 new posts (25 Professional and 16 General Service). The distribution of the proposed new posts among organizational units is shown in annex IV. Estimated on a full-year basis, the related costs would be in an amount of \$553,800. In view of the anticipated vacancy situation during the first part of 1967 and allowing for normal recruitment delays, it has been considered feasible to apply a turnover deduction of 50 per cent to the cost of Professional posts, as compared with the usual 40 per cent. The turnover for General Service posts has been maintained at 20 per cent. On this basis, the total additional cost for all new posts in 1967 is estimated at \$367,200.

RESOLUTION 1103(XL). MEASURES FOR THE SPEEDY IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

(a) *Special study of racial discrimination in the political, economic, social and cultural spheres*

7. In its resolution 1076 (XXXIX), of 28 July 1965, the Economic and Social Council welcomed a decision by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake, in the light of the Declaration on Elimination of All Forms of Racial Discrimination, a special study of racial discrimination in the political, economic, social and cultural spheres.

8. The General Assembly, in its resolution 2017 (XX), of 1 November 1965, noted with satisfaction the above-mentioned Council resolution and, in particular, the decision of the Sub-Commission. In paragraph 5 of its resolution, the Assembly requested the

²¹ *Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 41, document A/6229.*

²² *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 6.*

²³ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 3.*

²⁴ *Ibid., Twentieth Session, Annexes, agenda item 76, document A/6223, para. 27.*

Economic and Social Council to invite the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to recommend, in the light of the special study, any further measures which could be undertaken by the appropriate United Nations bodies with a view to eliminating all forms of racial discrimination.

9. On 3 March 1966, the Council, by its resolution 1103 (XL), took the action requested by the General Assembly and, additionally, invited the Commission on Human Rights to submit to the Council at its forty-first session its views concerning the speediest possible accomplishment of the task designated by the General Assembly. The Secretary-General was requested to provide the necessary assistance and services for the speedy completion of the study.

10. In the statement of financial implications²⁵ submitted to the Council by the Secretary-General prior to the adoption of this resolution, it was pointed out that a special rapporteur appointed by the Sub-Commission to carry out the study would prepare in the course of 1966 a draft outline which would be considered by the Sub-Commission at its session in January 1967. It was further recalled that the procedure established by the Sub-Commission for carrying out studies of this nature, approved by the Commission on Human Rights and the Economic and Social Council, provided, as a first step, for the preparation of country monographs containing all available relevant material for each State Member of the United Nations or member of a specialized agency. Thus, a total of at least 117 such monographs would have to be prepared to serve as a basis for the analytical report to be compiled by the special rapporteur. Each monograph required the time of 7 staff members in the Professional category for at least one month, with the necessary secretarial assistance. Of the 7 human rights officers and associate human rights officers in the relevant section of the Division of Human Rights 4 were currently assigned to the preparation of studies on discrimination. The workload in this section and in the Division as a whole did not permit any further strengthening of this team from existing staff resources. Of the 4 officers referred to 3 were fully occupied with a study—to be completed early in 1967—of discrimination against persons born out of wedlock and one was engaged in a study of equality in the administration of justice. Upon the completion of the study of discrimination against persons born out of wedlock the staff thereby released would be transferred to the study of equality in the administration of justice, which was expected to be completed by 1970. Without provision of additional posts, the work on the study on racial discrimination could not commence until that time and could not be completed before 1973. Accordingly, the Council was informed that, on the assumption that the study on racial discrimination should commence without delay after approval of the outline by the Sub-Commission in January 1967, and be completed within a period of three years, the services of 4 additional Professional staff at the P-3 level and two secretaries at the G-3 level would be required, at an estimated annual cost of \$82,000 in 1967, 1968 and 1969. There was no objection to this assumption, and no alternative arrangement was suggested.

11. After applying a turnover deduction in respect of the initial year, the Secretary-General requests for

those purposes an additional appropriation of \$58,000 in 1967. The corresponding provisions to be included in the estimates for 1968 and 1969 will be of the order of \$79,800 per annum.

(b) *Seminar on the question of the elimination of all forms of racial discrimination*

12. In paragraph 3 of its resolution 1103 (XL) the Council requested the Secretary-General to proceed to organize, under the programme of advisory services in the field of human rights and in the context of the programme for the International Year for Human Rights, a seminar on the question of the elimination of all forms of racial discrimination, as recommended by the General Assembly in its resolution 2017 (XX).

13. This seminar will be provided for within the total 1968 programme for human rights advisory services on a priority basis within the level of the appropriations under section 14 (human rights advisory services) of the budget estimates. In accordance with established practice, the time and place of the seminar will be dependent upon the receipt by the Secretary-General of an invitation from a Member State wishing to serve as host.

RESOLUTION 1104 (XL). REPORT OF THE COMMISSION ON NARCOTIC DRUGS

14. In its report on its twentieth session,²⁶ the Commission on Narcotic Drugs considered that a careful and detailed study should be made with a view to evolving the control and other measures required for substances not under international control, such as barbiturates, amphetamines and tranquillizers. It recommended that, subject to the approval of the Economic and Social Council, a 10-member committee of the Commission should meet for this purpose at a time and place to be fixed by the Secretary-General and should report to the Commission in December 1966 at its twenty-first session. It was also proposed that WHO and the Permanent Central Narcotics Board should participate in the work of the committee and that representatives of interested countries should be invited to attend as observers.

15. The Council was informed that it would be possible to accommodate a session of the committee in Geneva during August 1966 and that, on the basis of a session of two weeks, the estimated costs of related services would amount to \$9,000. Under the provisions of General Assembly resolution 1798 (XVII), no funds would be required for any reimbursement of travel and subsistence expenses to members of the committee. For a session of only one week, the costs were estimated at \$6,000. By paragraph 4 of resolution 1104 (XL), the Council recommended that the committee's meetings should, if possible, be limited to one week, and that the expenses chargeable to the United Nations be held to a minimum.

16. These additional expenditures can be met from within the existing appropriations for 1966.

RESOLUTION 1109 (XL). TOURISM

17. In paragraph 3 of its resolution 1109 (XL), of 7 March 1966, the Council requested the Statistical Commission to study, in co-operation with UNCTAD and the International Union of Official Travel Or-

²⁵ Document E/L.1112/Add.1 (mimeographed).

²⁶ *Official Records of the Economic and Social Council, Fortieth Session, Supplement No. 2, paras. 373-376.*

ganizations, the methods and definitions most suitable for improving statistics on tourism without increasing tourist formalities, and to submit its recommendations to the Council at its summer session in 1968.

18. Resolution 1109 (XL) was adopted after consideration by the Council of a report²⁷ prepared by the Secretary-General in response to its resolution 995 (XXXVI), of 16 December 1963, covering the progress achieved in the acceptance and application of the recommendations of the United Nations Conference on International Travel and Tourism, held in 1963 in accordance with Council resolution 870 (XXXIII), of 9 April 1962. The Council's interest in the subject stemmed from its recognition of the importance of the role played by tourism in national economies and international trade, as well as its social, educational and cultural impact and its contribution to the promotion of international goodwill and understanding. It was also considered that tourism could play an important role in furthering the aims of the United Nations Development Decade. For similar reasons, the Trade and Development Board has approved a programme of work in the field of tourism to be undertaken by the UNCTAD Committee on Invisibles and Financing related to Trade.

19. The Council was informed that implementation of paragraph 3 of resolution 1109 (XL) would require the convening of a small group of five or six experts in 1967 to prepare the study requested by the Council. The related costs would amount to approximately \$5,000, for which specific provision has already been made under section 3 (Salaries and wages) of the initial budget estimates for 1967.

RESOLUTION 1112 (XL). NON-AGRICULTURAL RESOURCES

20. In its resolution 1112 (XL), of 7 March 1966, the Council:

"Requests the Secretary-General, in co-operation with the Advisory Committee on the Application of Science and Technology to Development, the specialized agencies—particularly the United Nations Educational, Scientific and Cultural Organization—and the Governments of interested Member States, avoiding any overlapping or duplication with the existing programmes of United Nations bodies in this field, and utilizing *inter alia* such voluntary services as may be offered:

"(a) To make a survey of the present state of knowledge of these resources of the sea, beyond the continental shelf, and of the techniques for exploiting these resources, in co-ordination with those already made by the United Nations Educational, Scientific and Cultural Organization and other specialized agencies and those being prepared;

"(b) As part of that survey, to attempt to identify those resources now considered to be capable of economic exploitation, especially for the benefit of developing countries;

"(c) To identify any gaps in available knowledge which merit early attention by virtue of their importance to the development of ocean resources, and of the practicality of their early exploitation;

"(d) To report on the progress of the survey at an early session of the Council."

21. The Secretary-General, in submitting a note²⁸ on the financial implications of the draft resolution, prior to its adoption, advised the Council that in operative sub-paragraph (a) it was made clear that the first step required would be to make a survey of the existing knowledge in this important field. This would require consultations with Governments, specialized agencies, universities and foundations as well as with the other members of the United Nations family of organizations concerned, notably UNESCO. It would also be necessary for the Secretary-General to consult the Advisory Committee on the Application of Science and Technology. Only after such a preliminary and limited survey had been undertaken would it be possible to consider how operative sub-paragraphs (b) and (c) of the draft resolution could most effectively be implemented. The Secretary-General therefore proposed that a consultant be engaged who would undertake the preliminary survey requested in operative sub-paragraph (a) and who might, on the basis of such a survey, make proposals for a programme of work based on the very broad and challenging requests contained in operative sub-paragraphs (b) and (c). This preliminary work would require the services of a consultant for eight months together with the related secretarial assistance. Provision would also need to be made for the necessary travel costs. These requirements were estimated at some \$24,000.

22. At the time of the Council's consideration of this question, it was not possible for the Secretary-General to determine whether he could meet these additional costs within the totality of the appropriations for 1966. Since an indication had been given that it was not the intention of the sponsors of the draft resolution that its implementation should lead to any supplementary budgetary appropriations for 1966, the Secretary-General undertook to explore the possibility of obtaining the necessary funds from voluntary sources.

23. Since the Secretary-General has not been able to procure voluntary contributions to meet the costs involved, an additional appropriation in the amount of \$24,000 is requested for this purpose in 1967.

RESOLUTION 1113 (XL). DEVELOPMENT OF NON-AGRICULTURAL RESOURCES

24. In its resolution 1113 (XL), of 7 March 1966, the Council, after considering a report by the Secretary-General²⁹ on the work being done on the development of non-agricultural resources in the developing countries, welcomed the submission in this report of a long-range programme in the field. It recommended that, taking into account the relevant work of the specialized agencies and IAEA, the Secretary-General might consult outside experts specially qualified in the various fields of non-agricultural resources development on the various proposed surveys and projects and the priorities that should be assigned to them within the proposed programme.

25. The Council was informed³⁰ that the Secretary-General would propose to call together for one or two weeks in 1966 a small *ad hoc* group of experts,

²⁷ *Ibid.*, Fortieth Session, Annexes, agenda item 8, document E/4145.

²⁸ *Ibid.*, agenda item 7, document E/4164/Add.1.

²⁹ *Ibid.*, document E/4132.

³⁰ *Ibid.*, document E/4164/Add.2.

which would probably consist of a geologist, a hydrologist, a mining engineer, a power expert and a resources economist. The costs of travel and other expenses would vary, depending on the length of the meeting, but might be expected not to exceed \$9,000.

26. These additional expenditures can be met from within the existing appropriations for 1966.

RESOLUTION 1116 (XLI). ANNUAL REPORT OF THE ECONOMIC COMMISSION FOR EUROPE

27. By its resolution 1116 (XLI), of 18 July 1966, the Council took note of the resolutions adopted by ECE at its twenty-first session and endorsed the programme of work and priorities contained in part V of its report.³¹

28. In its resolution 4 (XXI),³² adopted on 19 April 1966, the Commission requested its Executive Secretary to prepare and submit to it at its twenty-second session an indexed compendium of all studies and statistical bulletins elaborated by the subsidiary bodies and the secretariat of the Commission.

29. Prior to the adoption of the report, the Executive Secretary advised the Commission that the preparation and printing of the compendium as a trilingual publication would involve a total cost of \$2,800, of which \$1,200 would be needed in 1966 for temporary assistance and \$1,600 in 1967 for printing. He also pointed out to the Commission that funds additional to those provided in the Commission's budget would be required to meet the above cost.

30. The Economic and Social Council was subsequently informed³³ that three separate versions would be preferable to a trilingual version. This change would, however, entail an increase in the printing cost from \$1,600 to \$2,950. On this basis, the total expenditure involved would be \$4,150, of which \$1,200 would fall in 1966 and \$2,950 in 1967.

31. As indicated to the Council, these minor additional expenditures can be met from the total resources available in the relevant sections of the budget for 1966 and those already requested in the initial estimates for 1967.

RESOLUTION 1117 (XLI). ANNUAL REPORT OF THE ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST

32. In its resolution 1117 (XLI), of 15 July 1966, the Council took note of the recommendations and resolutions contained in the annual report of ECAFE³⁴ and endorsed the proposed programme of work and priorities.

33. The Commission had, by its resolution 68 (XXII), of 31 March 1966, which was based on resolution ACI.1/1 adopted by the Asian Conference on Industrialization held in December 1965, decided to establish certain machinery within the framework of ECAFE designed to assist the developing countries of the region in the promotion and acceleration of industrial development.

34. The main provisions of resolution 68 (XXII) (see annex I) are as follows:

³¹ *Ibid.*, Forty-first Session, Supplement No. 3.

³² *Ibid.*, part III.

³³ Document E/4177/Add.1 (mimeographed).

³⁴ *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 2 and corrigenda (E/4180/Rev.1/Corr.1, 2 and 3).*

(a) The Asian Conference on Industrialization is made a permanent organ of the Commission to meet at three-year intervals to review and advise upon progress made with all problems involved in industrialization in the ECAFE region.

(b) An Asian Industrial Development Council is established—with its continuing purposes and functions set forth in part B of the resolution—to consist of one representative of each regional and associate member country nominated by that country, meeting at least once a year and reporting annually to the Commission as well as to the Conference whenever it is convened.

(c) Also provided for is an Advisory Group, consisting of outstanding experts in the field of industrial development, provided by ECAFE member countries within and outside the region, meeting as often as necessary and reporting to the Asian Industrial Development Council; the Council may also, on its own initiative, appoint experts to serve as members of the Advisory Group.

(d) The ECAFE secretariat, under the direction of the Executive Secretary and with strengthened staff resources, is designated to serve as the secretariat of the Conference, the Council, the Advisory Group and such other bodies as may be established by the Council.

(e) The Executive Secretary is charged with the responsibility of ensuring that the work of the Committee on Industry and Natural Resources of ECAFE, UNOID, and the specialized agencies would be complementary and without duplication. Close co-operation should also be maintained with the Asian Development Bank to enable it to make a maximum contribution to industrial development in the region.

35. In the final paragraph of ECAFE resolution 68 (XXII), the Executive Secretary is requested to take appropriate measures to strengthen the staff resources of the Commission in the industrial field with a view to carrying out the expanded functions resulting from the formation of the Asian Industrial Development Council. In making this request, the Commission took account of a note³⁵ which had been submitted to it by the Executive Secretary on the additional staff resources which would be required and on other budgetary arrangements. The main elements of this presentation were as follows:

(a) Taking existing staff resources into account and in the belief that the strengthening process should be a gradual one as the work of the Council developed, the immediate additional staff requirements in the substantive area would be 5 senior officers, each assisted by 1 junior officer, with the necessary secretarial and clerical support, to work in the following general substantive areas:

- (i) Review of national industrial development plans, programmes and policies;
- (ii) Industrial engineering, including proposals for establishing pilot and experimental plans, research and training centres;
- (iii) Chemical industrial engineering;
- (iv) Industrial standardization;
- (v) Industrial research.

(b) In addition to these substantive requirements, the work of the Conference, the Council, the Advisory

³⁵ Document E/CN.11/L.156 (mimeographed).

Group and other bodies would involve the strengthening of the various supporting services by 2 interpreter-translators, 1 editor and 4 typist-stenographers to assist in the preparation of documentation.

36. The Economic and Social Council was informed³⁶ that approval of ECAFE resolution 68

³⁶ Document E/4180/Rev.1/Add.1 (mimeographed).

(XXII) would require an additional appropriation for 1967 in the amount of some \$398,000. However, by application of a turnover deduction to staff costs for the initial year, this estimate has been reduced to \$276,700 for 1967 as shown below. Annual requirements in subsequent years would be of the order of \$370,000.

	<i>United States dollars</i>
(a) Salaries, wages and related common staff costs	171,700
Established posts:	
5 additional Senior Officer (P-5) posts	71,600
8 additional Second Officer (P-3) posts	82,900
9 General Service posts	17,200
(b) Consultants	48,000
The estimate provides for the costs of 24 man-months of consultants, including travel and subsistence allowances, where applicable, for the consultants appointed to the Advisory Group directly by the Council.	
(c) Travel of staff on official business	20,000
(d) Permanent equipment	14,000
The estimate comprises:	
13 desks and chairs for Professional staff	1,620
9 desks and chairs for General Service staff	500
16 air-conditioners	3,280
9 typewriters	4,770
15 filing cabinets and shelves	1,500
2 water-coolers	330
Other equipment	2,000
(e) Rental and maintenance of premises	18,000
This estimate comprises:	
Rental of additional office space to accommodate the staff under item (a) above	12,000
Utilities	2,500
Supplies and services for maintenance of premises ..	2,500
Minor alterations	1,000
(f) General expenses	5,000
Communications	2,500
Stationery and internal reproduction supplies	2,500
TOTAL	276,700

37. The Secretary-General, while submitting the above estimate of additional requirements amounting to \$276,700 for 1967, is conscious of the fact that these requirements could be affected by any decisions that may be taken by the General Assembly in regard to the organization, functions and responsibilities of the new United Nations Organization for Industrial Development. Accordingly, he would be prepared to submit any further revisions of this estimate that may be required in the light of the decisions that may emerge from the relevant discussions in the Second Committee of the General Assembly.

RESOLUTION 1119 (XLI). ANNUAL REPORT OF THE ECONOMIC COMMISSION FOR AFRICA

38. In its resolution 1119 (XLI), of 15 July 1966, the Council took note of the annual report of ECA.³⁷

39. In paragraph 95 of the Commission's report, it was indicated that the second United Nations Regional Cartographic Conference for Africa, which had been deferred, had now been scheduled for September

1966. The Government of Tunisia had generously offered to act as host. A provisional agenda for the Conference had been distributed to African Governments. The decision to hold the Conference had arisen partly from the acceleration of the Commission's projects in cartography and partly from two other considerations: (a) the rapid developments in the technology (methods and instruments) of surveying and map production in general, and of aerial surveying in particular, and (b) the recent studies by other United Nations bodies which underlined the need to make available new knowledge as quickly as possible in order to raise the extremely low rate of inventory and utilization of natural resources in developing countries.

40. The Council was informed³⁸ that it was expected that the Government of Tunisia would meet all costs except those relating to the provision of interpreters in an amount of \$3,500. This expenditure would be met within the existing appropriations for 1966. It would, however, be necessary to seek additional provision in 1967 and 1968 for the publication of the proceedings of the Conference and of related technical papers, as follows:

³⁷ Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 5, and corrigendum.

³⁸ Document E/4173/Add.1 (mimeographed).

	1967	1968
	United States dollars	
<i>English version:</i>		
Editing	4,000	—
Printing	10,000	—
<i>French version:</i>		
Printing	—	4,000
Editing	—	10,000
TOTAL	14,000	14,000

41. In showing the distribution of these requirements between two years, the Secretary-General had been guided by past experience in regard to the time taken to prepare the manuscript—involving highly technical papers and complementary maps and charts—first in the original language and then to translate it into the other language for printing. During the discussion of the item in the Council, however, objections were raised by certain delegations to such an apportionment of the budgetary provisions, which implied that the document would not be published simultaneously in both language versions. Every effort will in fact be made to meet the wishes of representatives on this point. The Secretary-General would, therefore, request an additional appropriation for 1967 in the total amount of \$28,000, the amount required for both language versions.

RESOLUTION 1126 (XLI). SLAVERY

42. In its resolution 1126 (XLI), of 26 July 1966, the Council requested the Secretary-General to arrange for the printing and extensive circulation of the report of the Special Rapporteur on Slavery,³⁹ prepared in accordance with Council resolutions 960 (XXXVI), of 12 July 1963, and 1077 (XXXIX), of 28 July 1965.

43. The Council was informed⁴⁰ that the cost of printing the report in English, French, Spanish and Russian was estimated at \$13,500 and that these expenditures, which would need to be incurred in 1966, would be met from within the existing appropriations under section 11 (Printing).

RESOLUTION 1127 (XLI). DEVELOPMENT OF NATURAL RESOURCES

44. In its resolution 1127 (XLI), of 26 July 1966, dealing with the planning of a proposed five-year survey programme for the development of non-agricultural resources as a contribution to the second half of the United Nations Development Decade, the Council requested the Secretary-General, *inter alia*, to establish three small groups of qualified consultants in the fields of minerals, water resources and energy, within which developing and developed countries would be adequately represented. These groups would be financed under the regular budget and by offers of experts and other forms of technical assistance by Member States and would be entrusted with the task of preparing an objective study on: the parameters and scope of the objectives of the surveys, definitions and criteria, detailed planning as to organization and a more precise assessment of the time schedule and cost-benefit.

45. In informing the Council of the financial implications of this proposal, the Secretary-General assumed⁴¹ that the three groups would meet at Head-

quarters for a period of not more than two weeks each, early in 1967, at times convenient from the point of view of the over-all meeting schedule. It was also assumed that several consultants in each group would be made available by Member States without cost to the United Nations and that the costs to be financed under the regular budget would be limited to the provision for a total of 6 consultants. On this basis, the related expenses in 1967 were estimated at \$17,100 as follows:

	United States dollars
Travel	5,400
Subsistence	2,070
Fees at \$50 per day for the duration of the meetings	4,200
Translation, typing and internal reproduction of the reports of the three groups (assuming that a total of 50 pages would be involved)	5,430
TOTAL	17,100

46. An additional appropriation is requested for 1967 in this amount.

RESOLUTION 1129 (XLI). ARRANGEMENTS FOR THE CONVENING OF AN INTERNATIONAL CONFERENCE TO REPLACE THE CONVENTION ON ROAD TRAFFIC AND THE PROTOCOL ON ROAD SIGNS AND SIGNALS DONE AT GENEVA, 19 SEPTEMBER 1949

47. In its resolution 1129 (XLI), of 26 July 1966, the Council decided that this conference, formerly scheduled for 1967, should be convened, for a period not exceeding 25 working days, at Vienna in March 1968 at a date to be determined by the Secretary-General in consultation with the Government of Austria, which had offered to act as host.

48. An amount of \$211,000 had been included under section 2 (Special meetings and conferences) of the initial budget estimates for 1967 to meet the costs of this conference. The Council was informed that as a result of its decision, a provision of \$19,500 in 1967 would suffice for the necessary preparatory work, and the balance of \$191,500 would be deferred for inclusion in the budget estimates for 1968. The redistribution of these estimates have subsequently been revised to \$22,500 for 1967 and \$188,500 for 1968.

49. Accordingly, the initial estimates under section 2 for 1967 may be reduced by an amount of \$188,500. This amount would be included in due course in the budget estimates for 1968.

50. The additional costs arising from the decision to convene the conference at Vienna rather than at Geneva, would be defrayed by the Government of Austria in accordance with the provisions of General Assembly resolution 2116 (XX), of 21 December 1965.

RESOLUTION 1140 (XLI). PROPOSED CONFERENCE OF MINISTERS RESPONSIBLE FOR SOCIAL WELFARE

51. In its resolution 1140 (XLI), of 29 July 1966, the Council requested the Secretary-General to proceed with plans for convening in 1968 an international conference of ministers responsible for social welfare. The Council also authorized the Secretary-General to establish a preparatory committee, composed of experts from States Members of the United Nations or members of the specialized agencies and IAEA to meet in advance of the conference in order to advise him on

³⁹ Document E/4168 and Add.1-5. Later issued as E/4168/Rev.1, as a United Nations publication, Sales No.: 67.XIV.2.

⁴⁰ Document E/4234 (mimeographed).

⁴¹ Document E/AC.6/L.338 (mimeographed).

its organization, agenda and methods of work, make recommendations as to the use of existing studies and the preparation of specific working papers for the conference, and assist in the substantive preparations for the conference, as appropriate.

52. The convening of the conference in 1968 was made expressly subject to the provisions of paragraph 5 of General Assembly resolution 2116 (XX), in terms of which it was decided that not more than one major special conference of the United Nations should be scheduled in any one year.

53. The Council's attention was drawn to the financial implications⁴² of these proposals as submitted to the Social Commission in April 1966, at its seventeenth session, together with additional information which had become available since that time.

54. These estimates had been based on the following assumptions:

(a) The conference would be held in 1968, at Headquarters or at the United Nations Office at Geneva, subject to the provisions of paragraph 5 of General Assembly resolution 2116 (XX), and taking into account the totality of the conference programme for 1968;

(b) The conference would be of two weeks' duration;

(c) All States Members of the United Nations or members of the specialized agencies would be invited to participate in the conference;

(d) It would be necessary to constitute a preparatory committee of experts, as described in paragraph 12 of the report of the Secretary-General,⁴³ and to provide for a meeting of the committee at Headquarters during 1967;

(e) The experts would be made available by Member States, and the United Nations would be required to pay travel and subsistence, but no fees;

(f) The committee's report, estimated at about 100 pages, would be distributed in four languages;

(g) Pre-conference documentation would amount to 500 pages, consisting of papers submitted by Governments, non-governmental organizations and regional groups, and would be distributed in four languages;

(h) The conference would be organized to provide for 5 plenary sessions and 10 sessions each of five regional groups;

(i) In-session documentation would comprise approximately 300 pages to be distributed in four languages;

(j) The report of the conference, of about 500 mimeographed pages, would be distributed in four languages.

55. On this basis, and on the further assumption that the conference would be held at Headquarters in New York, total costs were estimated at \$164,550, of which \$60,700 would arise in 1967 and \$103,850 in 1968. The detailed requirements were stated as follows:

⁴² Document E/CN.5/L.311 (mimeographed).

⁴³ Document E/CN.5/401 (mimeographed).

	1967	1968
	<i>United States dollars</i>	
(a) Staff costs	18,900	18,100
<p>The extensive preparations required for the conduct of such a conference would require the full-time service of one staff member or consultant for 15 months, at the Senior Officer (P-5) level, assisted by a secretary, to advise in the formulation of the agenda, to assist in the substantive preparations, to act as the rapporteur of the preparatory committee and of the conference, to carry responsibility for at least one of the major studies needed for conference documentation, and to take responsibility for the preparation of the final report of the meeting.</p>		
(b) Travel of staff	6,000	3,000
<p>Consultations with Governments on arrangements for the conference would necessitate travel of staff to the various countries.</p>		
(c) Preparatory committee	10,800	5,000
<p>This committee would consist of up to 10 members and the meetings of the committee would involve the Organization in the following expenses:</p>		
Travel and subsistence of experts	10,800	
Typing, reproduction and translation	5,000	
(d) Pre-conference documentation	25,000	—
<p>This estimate covered the related costs of translation, typing and reproduction of papers to be presented to the conference by Governments, non-governmental organizations and regional groups which were estimated to amount to 500 pages.</p>		
(e) Conference costs	—	53,000
<p>The costs for a conference at Headquarters would be as follows:</p>		
(i) <i>Interpretation</i>	23,000	
<p> Three full teams of interpreters (24) would be required.</p>		
(ii) <i>Meeting records</i>	5,000	
<p> The estimates for this item were given on the basis that minutes would be</p>		

	1967	1968
	<i>United States dollars</i>	
(ii) <i>Meeting records</i> (continued) prepared by the rapporteur and secretaries of the conference, in which case they would be assisted by 2 précis-writers.		
(iii) <i>In-session documentation</i>	15,000	
Translation, typing and reproduction of an estimated 300 pages.		
(iv) <i>General expenses</i>	10,000	
Costs of additional security, telecom- munications, electrical and building opera- tion staff; also freight and cables.		
(f) Post-conference costs	—	24,750
This estimate covered the costs of translation, typing and reproduction of the conference report.		
TOTAL	60,700	103,850

56. Should it be decided to hold the conference at Geneva rather than at New York, the conference costs given under item (e) above would involve an additional expenditure in 1968 of \$50,150. A comparison of the relevant costs at the two locations follows:

	<i>Headquarters</i>	<i>Geneva</i>
	<i>United States dollars</i>	
Interpretation	23,000	
Meeting records	5,000	
In-session documentation	15,000	
General expenses	10,000	12,000 ^a
Information services	—	7,300
Travel and subsistence of 5 substantive Headquarters staff	—	5,850
TOTAL	53,000	103,150

^a This estimate includes provision for the rental of outside office space to accommodate the staff servicing the conference, should this prove necessary.

57. Finally, the Council was informed that the provisions for records of meetings had been based on the understanding that summary records would not be required, but that the rapporteurs and secretaries of the conference would prepare, with the assistance of précis-writers, minutes which would be used for the preparation of the final report. Should summary records be required, the additional costs were estimated at \$38,000 at New York or \$101,000 at Geneva.

58. In summary, the total estimated cost of the conference, within the various possibilities raised, may be stated as follows:

<i>Headquarters</i>	1967	1968	Total
	<i>United States dollars</i>		
Minutes of meetings only	60,700	103,850	164,550
Summary records	60,700	141,850	202,550
<i>Geneva</i>			
Minutes of meetings only	60,700	154,000	214,700
Summary records	60,700	255,000	315,700

59. The Secretary-General requests an appropriation for 1967 in the amount of \$60,700 to meet the cost of preparations for the conference during 1967. An appropriate provision will be included in the budget estimates for 1968 based on the recommendations to be made by the preparatory committee on the organization, agenda and methods of work of the conference.

RESOLUTION 1141 (XLI). RESEARCH-TRAINING PROGRAMME ON REGIONAL DEVELOPMENT IN THE SOCIAL FIELD

60. In its resolution 1086 C (XXXIX), adopted on 30 July 1965, the Council had requested the Secretary-General, *inter alia*:

“(a) To prepare a draft programme of research and training in connexion with regional development projects presently under way in selected Member States as a means of developing suggestions as to methods and techniques that could assist countries in promoting development and achieving optimum patterns of rural and urban human settlement and production activities . . . ;

“(b) To make arrangements, as necessary, to provide for the United Nations Secretariat the necessary resources . . . to enable it to prepare the research-training programme;

“(c) To select, after consultation with the potential host Governments, a reasonable number, possible six to twelve, of regional development projects already under way in various parts of the world, reflecting different stages of development, best suited for the planned research and training activities, giving particular attention to the availability of a university, research institute or similar institution as a resource for the programme related to each selected project.”

61. In its resolution 1141 (XLI), of 29 July 1966, the Council took note of the report of the Secretary-General⁴⁴ on the progress made to date in the implementation of the above-mentioned resolution and his proposals for further action. Note was also taken of the hope expressed by the Secretary-General that research and training projects on regional development could be financed through UNDP and other multi-lateral programmes, and that voluntary contributions might be obtained, as necessary, from governmental and non-governmental sources. The Council considered that as a next step exploratory consultations should be held with interested countries in order to determine the feasibility of including their regional development projects in the programme and requested the Secretary-General: to make the necessary arrangements for these consultations; to undertake the necessary consultations regarding the draft programme of research and training with the regional economic commissions, the specialized

⁴⁴ Document E/CN.5/403 (mimeographed).

agencies, the Committee on Housing, Building and Planning and other appropriate United Nations bodies; and to report to the Commission for Social Development at its eighteenth session and to the Economic and Social Council at its forty-third session on the progress made.

62. The following financial implications of these decisions were brought to the Council's attention.

(a) *Preparatory teams*

The consultations envisaged would require the establishment of small preparatory teams to visit the interested countries. A total of 6 such teams would be needed, 2 each for Africa and the Middle East and 1 each for Asia and the Far East and Latin America. Each team would normally consist of 1 member from the Advisory Committee on Regional Development, 1 member of the staff of the regional economic commission secretariat concerned, and 1 member of the United Nations Secretariat at Headquarters. It was envisaged that the visits by each team would, on the average, last for one month.

The related costs of each team were estimated at \$7,300 as follows:

	<i>United States dollars</i>
Fee, travel and subsistence costs of the Advisory Committee member	3,600
Travel and subsistence of regular staff	3,700
	<hr/>
TOTAL, per team	7,300
	<hr/> <hr/>

On this basis, the total expenditure for all six teams would be \$43,800.

However, as efforts would be made to plan the work and to schedule the visits so as to permit combined trips, it was expected that the total costs might be kept to an amount of \$35,000, including a small provision for general expenses. Of this amount, \$10,000 would be required in 1966 and the balance of \$25,000 in 1967. The additional expenditures in 1966 can be covered from existing appropriations for that year.

(b) *Staff costs*

The further steps necessary for the implementation of the resolution, including consultations with Governments and co-operating bodies, and the organization of the preparatory teams would require the provision of an additional Professional post at the Senior Officer (P-5) level in the Bureau of Social Affairs. The cost of this post was estimated at \$25,000 for 1967, and \$25,300 *per annum* in subsequent years.

It has since been decided that the additional costs in 1967 might be reduced to \$16,000 by applying a turnover deduction.

63. Accordingly, the Secretary-General requests a total additional provision for 1967 in the amount of \$41,000 for the purposes indicated in the preceding paragraph.

RESOLUTION 1147 (XLI). ENLARGEMENT OF
SUBSIDIARY ORGANS OF THE COUNCIL

64. In its resolution 1147 (XLI), of 4 August 1966, the Council took the following decisions regarding the future level of membership of its functional commissions:

(a) To enlarge, with effect from 1 January 1967, the Commission on Human Rights, the Commission for Social Development and the Commission on the Status of Women to 32 members each, these members to be

elected on the basis of an equitable geographical distribution according to the following pattern:

- (i) 8 members from African States;
- (ii) 6 members from Asian States;
- (iii) 6 members from Latin American States;
- (iv) 8 members from Western European and other States;
- (v) 4 members from Socialist States of Eastern Europe;

(b) To enlarge, with effect from 1 January 1967, the Population Commission and the Committee on Housing, Building and Planning to 27 members each, to be elected on the basis of an equitable geographical distribution according to the following pattern:

- (i) 7 members from African States;
- (ii) 5 members from Asian States;
- (iii) 5 members from Latin American States;
- (iv) 7 members from Western European and other States;
- (v) 3 members from Socialist States of Eastern Europe;

(c) To enlarge the Statistical Commission to 24 members, to be elected on the basis of an equitable geographical distribution according to the following pattern:

- (i) 5 members from African States;
- (ii) 4 members from Asian States;
- (iii) 4 members from Latin American States;
- (iv) 7 members from Western European and other States;
- (v) 4 members from Socialist States of Eastern Europe;

(d) To enlarge the Commission on Narcotic Drugs to 24 members, taking into account the criteria now used for election to this Commission as well as the principle of equitable geographical distribution.

65. An additional appropriation of \$36,200 is requested to cover the additional expenditures for the travel of members which will arise in 1967 as follows:

	<i>United States dollars</i>
Commission on Human Rights	7,800
Commission for Social Development	10,500
Commission on the Status of Women	8,200
Population Commission	7,000
Commission on Narcotic Drugs	2,700
	<hr/>
TOTAL	36,200
	<hr/> <hr/>

66. The Statistical Commission will not meet in 1967. In 1968, however, additional expenditures in the amount of \$5,400 will arise for that Commission.

67. Neither travel nor subsistence are reimbursable by the United Nations in the case of the Committee on Housing, Building and Planning.

RESOLUTION 1148 (XLI). ECONOMIC PLANNING
AND PROJECTIONS

68. The Committee for Development Planning, comprising 18 members, established by the Council at its fortieth session in accordance with resolution 1079 (XXXIX), held its first session at United Nations Headquarters from 2 to 11 May 1966.

69. In its report to the Council,⁴⁵ the Committee agreed that the Centre for Development Planning,

⁴⁵ *Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 14, para. 19.*

Projections and Policies should act as its secretariat, and that all activities relating to its programme of work should be organized by the Centre in co-operation with the other interested bodies in the United Nations family. The Committee hoped that sufficient resources would be placed at the Centre's disposal and that it would be able call upon qualified personnel to serve as staff members and consultants so that it might meet the growing requirements in planning and projections.

70. The report set forth the Committee's proposals for a programme of activities, the fulfilment of which will require additional staff. For example, in paragraph 13, the Committee considered it desirable that the current work on projections at the international level be continued and intensified; in paragraph 16, it stated its views that activities in assistance for planning at the national level be continued and amplified; paragraph 18 continued a list of studies that the Committee recommended should be undertaken as soon as possible.

71. Finally, in paragraph 20, the Committee agreed to hold its next session some time in the early part of 1967, and hoped that it would be possible to convene the session in one of the developing regions. It also agreed that small sub-committees should be formed which would generally meet a few days before each session.

72. In its resolution 1148 (XLI), of 4 August 1966, the Council took note of the Committee's report with satisfaction and approved the programme it had recommended. After recognizing that the progress made during the first half of the Development Decade had been disappointingly slow and that there was a need for more vigorous action, particularly on the part of the United Nations, to achieve the objective of a minimum growth rate of 5 per cent in the developing countries within the Decade, the Council expressed the hope that the Committee for Development Planning, assisted by the Centre for Development Planning, Projections and Policies, and in close co-operation with the United Nations organs concerned, including UNCTAD and with the specialized agencies and IAEA would intensify its work on planning with a view to:

“(a) Enabling the organizations of the United Nations family to provide technical assistance to the developing countries in the preparation of suitable planning methods and in the application of their development plans;

“(b) Establishing a common framework to enable the organizations of the United Nations family to pursue coherent goals and objectives in their studies and programmes, with a view to concerted action designed to assist the developing countries in achieving the minimum targets of the United Nations Development Decade as soon as possible;

“(c) Determining the measures required to improve the elaboration of projections for the world economy, with due regard to development plans and programmes.”

73. The Council was informed⁴⁶ that the additional costs which would arise in 1967 for the implementation of the above-mentioned decisions were estimated at \$122,000 for additions to the existing staff of the Centre for Development Planning, Projections and Policies, \$50,000 for consultants and \$94,090 for the second session of the Committee for Development Planning on the assumption that it would be held in San-

tiago, Chile. The details of these estimates are given below.

Requirement of consultants and additional staff

74. In keeping with the over-all budgetary policy for 1967, the staffing provisions for the Centre for Development Planning, Projections and Policies in the initial estimates for 1967 have been kept to the same level as those approved by the General Assembly for 1966, i.e., 42 Professional and 36 General Service posts. This represents a reduction of 6 posts in the number originally requested by the Secretary-General for 1966 based on the programme of work as it existed prior to the meeting of the Committee for Development Planning.

75. In order to implement the present decisions of the Council, it was estimated that the existing staff of the Centre would need to be augmented by 1 Senior Officer (P-5), 2 First Officers (P-4), 2 Second Officers (P-3) and 2 General Service staff at an anticipated additional cost of \$122,000 in 1967. It would also be necessary to engage consultants to the extent of 24 man-months in 1967 at an estimated cost of \$50,000. These services were required in respect of studies of methods of assessing the effectiveness of plan implementation and surveys of results conducted in accordance with the methods requested by the Committee to the extent that these studies require special expertise not now available within the Centre.

76. The Council was advised that these estimates had been arrived at after taking account not only of the provisions requested in the initial estimates for 1967, but also of voluntary contributions made available to the United Nations to assist it in its work on economic projections. The monies available were those granted by the Government of the Netherlands in 1966, amounting to \$1.4 million. Of this total sum, \$1 million had been earmarked, under the terms of the grant, for planning and projections work at Headquarters and in the regional commissions. The use of the Netherlands grant at Headquarters had thus far been confined to the recruitment of 5 Professional staff members, 3 at the P-5 and 2 at the P-3 level, to supplement the staff provided by budgetary funds. This involved an average cost of about \$105,000 per year. While contracts were for one or two years, it was hoped that it would be possible for the supplemental posts to continue for three years, on the average. Thus a minimum commitment against the voluntary funds of some \$315,000 had already been established in respect of the five posts. To this amount should be added a contingent sum possibly \$20,000 in view of the likelihood that it would not be possible after 1966, to continue to meet the costs for General Service support totally from the provisions of the regular budget. A small commitment of approximately \$5,000 had also been made against the grant for office computation equipment. The total commitment from the Netherlands grant to the Centre at Headquarters was therefore already of the order of \$340,000. In addition to the sum committed for work at Headquarters, partial requests for about \$100,000 had been received from two of the regional centres and further requests were expected.

77. The Secretary-General felt that, for a number of reasons, it would be imprudent at that early stage in the work of planning and projections to commit further funds from the Netherlands grant. First, he

⁴⁶ Documents E/4207/Add.1 and 2 (mimeographed).

believed that no more than half of the funds should be committed during the first year. Secondly, he considered that the Netherlands grant should be used primarily for work in econometrics; however, this work was not yet sufficiently advanced to warrant a very much larger commitment at present than had already been made, nor was suitable additional manpower immediately available. Thirdly, a considerable part of the funds from this grant would have to be

used for outside expert services as well as for the costs of contractual services. Finally, the regional centres had yet to submit for approval their programmes for the three-year period.

78. The staffing position in respect of Professional posts in 1967, including the additional requirements shown in the statement of financial implications, could be summarized as follows:

	1967 budget estimates	Netherlands grant	Additional requirements	Total
Office of the Director	2	—	—	2
Planning and Projections Branch:				
Chief of Branch	1	—	—	1
Economic Planning Section	7	—	4	11
Economic Projections Section	5	5	—	10
Economic Surveys and Policies Branch	15	—	—	15
Centrally Planned Economies Branch	5	—	—	5
Development Planning Advisory Ser- vices	7	—	1	8
TOTAL	42	5	5	52

79. The costing of these additional staff requirements has now been reviewed. After applying a deduction of 50 per cent for Professional and 20 per cent for General Service posts to allow for delayed recruitment in the first year, the Secretary-General requests an additional appropriation of \$77,500 for 1967 as compared with the estimate of \$122,000 given to the Council. For 1968 and later years, the annual requirement would be of the order of \$113,000.

80. In addition, a provision of \$50,000 is requested for the purpose of engaging the consultants mentioned in paragraph 73 above.

Second session of the Committee for Development Planning

81. As the estimates for the costs of this Committee in 1967 would need to take into account the periodicity, venue and other arrangements of future meetings as recommended by the Committee to the Council, no provision was included in the Secretary-General's initial budget estimates for these purposes.

82. Bearing in mind the Committee's desire, as expressed to the Council, that its next session should be

held early in 1967, if possible in one of the developing regions, the Secretary-General proposed to the Council that the session be held at Santiago, Chile, in March and April 1967. On the assumption that the twelve members would form themselves into three sub-committees meeting for four days prior to the plenary meeting of the Committee, which would last twelve days, the total cost of the session was estimated at \$94,090 as follows:

	United States dollars
Travel and subsistence of 18 members	25,150
Travel and subsistence of 6 substantive staff from Headquarters	6,930
Fees and travel of a team of 8 interpreters (English, French, Russian, Spanish)	11,760
Production of summary records (English, French and Spanish for plenary sessions only) and in- session documentation of approximately 60 pages	50,250
TOTAL	94,090

83. The financial implications of holding the meeting at Headquarters, as compared with Santiago, was stated to be as follows:

	Meeting at Santiago	Meeting at Headquarters	Savings if meeting held at Headquarters
Travel and subsistence of members:			
Travel	18,500	16,200	(2,300)
Subsistence	6,650	9,180	2,530
Travel and subsistence of substantive staff:			
Travel	5,400	4,500	(900)
Subsistence	1,530	1,950	420
Fees and travel of interpreters:			
Fees	8,160	8,160	—
Travel	3,600	4,210	610
Summary records and in-session documentation	50,250	18,500	(31,750)
TOTAL	94,090	62,700	(31,390)

84. The small saving in the cost of travel of members would be offset by the increase in the subsistence costs—the rate being \$30 per day in New York, as against \$23 at Santiago. If the meeting were to be held at Santiago, 6 substantive staff from Headquarters would

have to travel to Santiago; if it were held in New York, 2 staff members from ECLA and 2 from the Latin American Institute for Economic and Social Planning as well as an expert from the Government of Chile would be required to travel from Santiago to New York.

There would thus be very little difference in the total cost of travel and subsistence of substantive staff. The statement also showed that there would be a slight increase in the cost of the services of interpreters, if the meeting took place at Headquarters, in view of the fact that in the estimates for Santiago it was assumed that the 2 Spanish-speaking interpreters (out of the team of 8) could be hired locally, whereas these interpreters would have to travel from Mexico, if the meeting were to be held at Headquarters.

85. The major difference in costs as between the two meeting places related to summary records and in-session documentation. The extra cost for this item in New York was estimated at about \$18,500, as compared with \$50,250 in Santiago, the difference arising from servicing arrangements in the two places. To hold the meeting at Santiago would entail the hiring of all the technical staff (6 précis-writers, 12 translators and 4 revisers) from abroad for the entire duration of the meeting. Even if some part of this staff could be detailed from Headquarters, they would have to be replaced by temporary staff to cover the normal Headquarters needs. In addition, temporary staff would have to be hired locally for secretarial and typing assistance. If, however, the meeting were to be held at Headquarters, the 22 language staff would be assigned from the regular establishment to cover the plenary meetings of the Committee. This would, of course, mean that this staff would have to undertake this assignment to the detriment of their other normal assignments. Assuming that the Committee would hold plenary meetings on some twelve days, the regular work of the 22 staff which would remain undone is estimated at approximately 1,600 pages of translation. This work would be contracted out at \$10 per page, or a total of \$16,000. A further provision of \$2,500 would be required to cover the internal reproduction costs of the Committee's documentation, necessitating a provision of \$18,500 in all.

86. There was, therefore, no significant difference in the costs of holding the meeting at Santiago and in New York except for one item, namely, summary records and in-session documentation. The estimates for Santiago, where conference servicing facilities are very limited, represented the full cost of the required services, while the estimates for New York took into account the facilities available at Headquarters.

87. Accordingly, the Secretary-General requests an additional appropriation for 1967 in the amount of \$94,090. With a view to achieving maximum economies in travel costs involved, he would endeavour to utilize as fully as possible the conference staff, such as interpreters, to be provided for the servicing of the twelfth session of ECLA at Caracas. At this stage, however, it is not possible to determine the extent to which such action will be practicable.

RESOLUTION 1155 (XLI). SCIENCE AND TECHNOLOGY

88. The Council, after considering the third report of the Advisory Committee on the Application of Science and Technology to Development,⁴⁷ on 5 August 1966 resolution 1155 (XLI) in which it welcomed the Advisory Committee's proposal to establish a world plan of action in this field, and endorsed the main objectives

⁴⁷ Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 12 and corrigendum.

of the plan. Prior to the adoption of the resolution, the Secretary-General had presented to the Council a statement of financial implications⁴⁸ related to certain recommendations contained in the report, as follows:

(a) Survey of regional institutions (paras. 57-66 of the report)

The Committee asked its regional groups to carry out, with the assistance of the regional economic commissions, the specialized agencies and IAEA, a survey of scientific and technological institutes in their regions, and to submit the results of the survey to the Committee at its next session. The survey would be aimed at identifying those institutes which might be regionalized and those which might be suitable for inclusion in the Committee's five-year plan for the development of basic structures in science and technology in developing countries.

Since it was clearly not feasible for the regional groups to conduct the survey and report their findings to the next session of the Committee, in October 1966, in view of the fact that the initiation of the survey had to await the approval of the Committee's report by the Economic and Social Council, and the provision of necessary funds by the General Assembly, the Secretary-General expressed his belief that arrangements would have to be made for carrying out the survey in 1967 for submission to the Committee at its sessions that year.

While the survey might involve extensive travel by members of the regional groups within their regions to inspect and collect data on the existing institutions, the actual extent of such travel, it was pointed out, would vary from region to region depending upon the amount of data that might be already available with the Governments or other international organizations. It was also felt necessary for the groups to have the services of consultants to assist them in drawing up appropriate questionnaires, assisting in the preparatory work required to ensure the success of such surveys, in reviewing the data collected, and in preparing the reports to the Advisory Committee.

The Council was advised that the actual estimate of the costs for this project in each region could be prepared only after the respective regional groups had been consulted on the most suitable plan of survey for each region and that the Secretary-General, however, considered that a lump-sum provision of \$30,000 should be sufficient to cover the reasonable costs of the survey (including travel, *per diem*, salary costs of consultants and secretarial help) in all the three regions (Asia, Africa and Latin America).

(b) Meeting of high-level representatives of universities and research institutions (para. 256, subparagraph (a), of the report)

In connexion with the mobilization of the efforts of the scientific communities in the developed countries, the Committee reiterated its recommendation for holding "a United Nations or a UNESCO meeting of high-level representatives of universities and research institutions to discuss effective collaborative arrangements". On the assumption that UNESCO would undertake to convene the meeting at its cost in 1967 in Paris, the cost of United Nations participation during 1967 in the preparatory work and in the meeting was estimated as follows:

⁴⁸ Document E/4178/Add.1 (mimeographed).

	<i>United States dollars</i>
Consultant services (six man-months)	9,000
Travel and subsistence of 2 staff members (New York-Paris-New York)	1,700
TOTAL	10,700

(c) Publication of a popular book (para. 261 of the report)

The Committee suggested the writing and publication of a popular book "based on such materials as the summary of the United Nations Conference on the Application of Science and Technology for the Benefit of the Less Developed Areas (1963); the establishment, mode of operation and work of the Committee, and its members; and a selected series of examples of the application of science and technology to the needs of the developing countries, with special reference to the topics for concerted attack".

An approximate cost estimate for this project and the assumptions on which it was based follow:

	<i>United States dollars</i>
Consultant's fees (for writing a book of 250 printed pages)	5,000
Consultant's travel (for discussions with the Headquarters of the United Nations and the specialized agencies)	1,500
Contractual translation (translation into three other official languages—English, Spanish and Russian)	5,250
Printing (English, 7,000 copies; French, 2,000 copies; Spanish, 4,000 copies; Russian, 500 copies)	20,350
TOTAL	32,100

The Secretary-General hoped to be able to absorb the cost of the consultants' fees and travel, amounting to \$6,500, within the total budget appropriations for 1966. The requirement in 1967 of some \$25,600 for contractual translation and printing could be met from within the level of the initial estimates submitted under sections 3 (Salaries and wages) and 11 (Printing), respectively, in the latter case by a readjustment of priorities.

89. Thus, the Council was advised that the approval of the Committee's report would entail total expenditures in the amount of \$66,300 in 1967.

90. This estimate has been further reviewed and, as a result, it is felt that the provision for the survey of the regional institutions could be limited to \$10,000 in 1967, covering the employment of a consultant for some six months to prepare a report based on the information that may be already available with the specialized agencies, regional commissions and Governments.

91. The Secretary-General, therefore, requests an additional provision of \$20,700 for the implementation of the Committee's recommendations in 1967.

RESOLUTION 1158 (XLI). QUESTION OF PUNISHMENT OF WAR CRIMINALS AND PERSONS WHO HAVE COMMITTED CRIMES AGAINST HUMANITY

92. In its resolution 1158 (XLI), of 5 August 1966, the Council requested the Secretary-General to prepare a preliminary draft of a convention to the effect that no statutory limitation should apply to war crimes

against humanity, irrespective of the date of their commission, and also to carry out a study on the means to ensure the arrest, extradition and punishment of persons responsible for war crimes and crimes against humanity and the exchange of documentation relating thereto. The preliminary draft of the convention would assist the Commission on Human Rights which had been requested, in terms of the same resolution, to prepare such a draft convention, as a matter of priority at its twenty-third session, for consideration by the Economic and Social Council at its forty-third session and for adoption by the General Assembly at its twenty-second session. The Commission was also requested to consider and make further recommendations with a view to developing international co-operation in the prosecution and punishment of those responsible for war crimes and crimes against humanity.

93. With reference to the requested study, the Council was informed that it had been the Secretary-General's understanding at the time the action was recommended by the Commission on Human Rights that no time had been set in which it should be completed and, accordingly, that it was intended that the Division of Human Rights should accept the preparation of this study as a project for future action, as and when the necessary staff resources could be assigned to it. If the study were to be carried out in the near future, it would be necessary to recruit a specialist in the field, owing to the highly complex and technical nature of the study, which lay outside the scope of the existing staff of the Division.

94. The costs of a consultant and secretarial assistance for the initiation of the study in 1967 were estimated at \$17,000. The Secretary-General requests an additional appropriation for 1967 in this amount.

RESOLUTION 1160 (XLI). INTERNATIONAL YEAR FOR HUMAN RIGHTS

95. In connexion with the observation of 1968 as International Human Rights Year, as provided for in General Assembly resolution 2081 (XX), the Council, in its resolution 1160 (XLI), of 5 August 1966, approved a further programme of measures and activities envisaged for the United Nations, States Members of the United Nations, the specialized agencies, and the national and international organizations concerned. It also invited the Secretary-General to make any necessary arrangements to facilitate the co-operation of competent regional intergovernmental organizations.

96. The Council requested the Secretary-General to co-ordinate all such measures and activities and to collect and disseminate at regular intervals information regarding them.

97. The Council was informed that the considerable scope of the functions entrusted to the Secretary-General, in the light of the activities envisaged by all concerned, in particular by the specialized agencies, would make it necessary to recruit on a temporary basis 2 additional Professional staff (1 at the D-1 or P-5 level and 1 at the P-3 level), as well as 1 secretary for 1967 and for at least a part of 1968. The relevant costs for 1967 were estimated at \$52,550. After applying a turnover deduction, the Secretary-General requests an additional appropriation for 1967 in the reduced amount of \$33,700. The requirement for 1968, to be provided for in the initial estimates for that year, cannot be determined with any precision at this time.

RESOLUTION 1165 (XLI). REVISION OF THE WORK PROGRAMME OF THE COMMISSION ON HUMAN RIGHTS IN THE FIELD OF HUMAN RIGHTS

98. In its resolution 1165 (XLI), of 5 August 1966, the Council accepted the view expressed by the Commission on Human Rights that its annual sessions should be extended beyond the present four-week period to enable it to cope with its heavy agenda and to dispose of a number of accumulated items on its agenda, the consideration of which had been deferred from year to year for lack of time. The Council recommended that the Commission undertake a review of its procedures and methods of work with a view to expediting the consideration of its agenda items and requested the Secretary-General to submit suggestions to facilitate the work of the Commission in this regard.

99. In the meantime, the Council decided to authorize the Commission to have a longer session in 1967, which should, however, not exceed six weeks.

100. The Council was informed that for each week by which a session of the Commission is prolonged, the costs at Geneva would be in the amount of \$6,700, or \$13,400 for an extension of the session by two weeks, for temporary conference and other staff required for the meetings of the session and for the extension of the sojourn of substantive staff detailed from Headquarters. In the case of Headquarters, there would be no direct additional costs involved, except that such an extension would affect the ability of the established conference services to undertake their regular workload of translation and reproduction of documents, necessitating a possible recourse to outside contractual services.

101. Since the next session of the Commission is scheduled to be held at Geneva in 1967, the Secretary-General requests an additional appropriation for 1967 in the amount of \$13,400 to cover the extension of the session by two weeks.

RESOLUTION 1170 (XLI). FINANCING OF HOUSING AND COMMUNITY FACILITIES

102. In its resolution 1170 (XLI), of 5 August 1966, the Council requested the Secretary-General:

“(a) To formulate, with the advice of the regional economic commission secretariats, the United Nations Economic and Social Office in Beirut and of such additional consultant services as he deems necessary, and after consultation with the international agencies concerned, specific proposals for:

“(i) New approaches, methods, forms and institutional facilities that would serve to increase the volume and effectiveness of the flow of domestic and external, public and private funds applied to programmes in housing and community facilities;

“(ii) Concerted action on the part of the United Nations, including the United Nations Organization for Industrial Development, the regional economic commissions and the United Nations Economic and Social Office in Beirut and other international agencies concerned, which would serve to facilitate the speedy and effective implementation of these proposals and of the over-all programme of accelerating the financing of housing and community facilities;

“(b) To report his findings to the Committee on Housing, Building and Planning as soon as possible.”

103. The Council was informed⁴⁹ that to implement the proposal it would be necessary to seek the advice of highly experienced consultants for a total of six months, the cost of which would amount to \$14,700. A further amount of \$3,300 would be required for travel of consultants to regional commissions and centres of financial activity.

104. Of the total requirement of \$18,000 some \$3,000 can be met from amounts already requested in the 1967 initial estimates. To meet the balance of these estimated costs, the Secretary-General requests an additional provision of \$15,000 for 1967.

RESOLUTION 1177 (XLI). WORK PROGRAMME OF THE UNITED NATIONS IN THE ECONOMIC, SOCIAL AND HUMAN RIGHTS FIELDS AND ITS BUDGETARY REQUIREMENTS

105. Having considered the report of the Secretary-General,⁵⁰ presenting the work programme of the United Nations in the economic, social and human rights fields and the related budgetary requirements which had been prepared in response to its resolutions 1046 (XXXVII), of 15 August 1964 and 1093 (XXXIX), of 31 July 1965, the Council in its resolution 1177 (XLI), of 5 August 1966, requested the Secretary-General to take the following future actions:

(a) To submit annually to the Council at its spring session, through the Committee for Programme and Co-ordination, further reports on the work programme of the United Nations in the economic, social and human rights fields and the budgetary implications of that programme, indicating changes in the programme arising from decisions of the Council and of other United Nations organs concerned and their budgetary implications;

(b) To provide the Council, as early as possible during its spring session, with a preliminary indication of the related budgetary estimates for the succeeding financial year;

(c) To prepare the work programme for the period 1967-1968 in the light of the improvements suggested by the Special Committee on Co-ordination and to include therein a list of projects which were required to be postponed or dropped, as well as a list of new projects taken up in 1966 as a result of decisions of the Council and of other United Nations organs concerned.

106. The Council was informed⁵¹ that the implementation of these requests would impose an additional workload on the substantive as well as on the administrative and financial services of the Secretariat, which could not be adequately met without some increase in staff resources. A modest estimate of the initial requirement would be the addition of a small unit in the Budgetary Research Section of the Department of Economic and Social Affairs, consisting of: 1 First Officer (P-4), 1 Associate Officer (P-2), 2 clerks (G-5/G-4) and 1 secretary (G-3). The estimated costs were stated at approximately \$44,900 in 1967 and \$56,900 annually thereafter.

⁴⁹ Document E/AC.7/L.509/Add.1 (mimeographed).

⁵⁰ *Official Records of the Economic and Social Council, Forty-first Session, Annexes*, agenda item 31, documents E/4179/Rev.1 and Add.1-18.

⁵¹ Document E/AC.24/L.302 (mimeographed).

107. It was stated by way of clarification that this work was carried out during the past year by the Budgetary Research Section in co-operation with other units of the Secretariat, including the secretariats of the regional economic commissions. This small section had, however, been able to fulfil the task only at the expense of its normal functions, which had to be deferred or curtailed. It was neither practicable nor desirable to continue such an arrangement, and the Secretary-General therefore proposed to include the above requirements in his revised estimates for 1967 and in the budget estimates for subsequent years, as appropriate.

108. Accordingly, the Secretary-General requests an appropriation of \$44,000 for these purposes in 1967. The annual requirement in future years would be of the order of \$57,000.

RESOLUTION 1180 (XLI). REGIONAL AND INTERNATIONAL SYMPOSIA ON INDUSTRIAL DEVELOPMENT

109. In its resolution 1180 (XLI), of 5 August 1966, the Council, having considered the reports and recommendations of the regional symposia held to date⁵² and the report of the Secretary-General on the agenda and plan of organization for holding an international symposium on industrial development⁵³ decided that the International Symposium should be held during 1967, recommended the adoption of the provisional agenda and the rules of procedure proposed by the Committee for Industrial Development, and reaffirmed its request to the Secretary-General to complete the preparations required for holding the Symposium, including the preparation of appropriate documentation.

110. The Committee and the Council were informed that the following expenditures had been incurred, or were envisaged, during 1965 and 1966, in respect of the preparations for and holding of the regional symposia, and in preparations for the International Symposium:

Symposium	1965 expenditures	1966 estimated expenditures	Total
		United States dollars	
Africa	124,261	86,000	210,261
Asia and the Far East	168,405	56,877	225,282
Latin America	135,209	53,000	188,209
International	134,760	354,123	488,883
TOTAL	562,635	550,000	1,112,635

111. The initial estimates for 1967 which the Secretary-General had formulated for the preparations for, and holding of, the International Symposium called for the provision of a total amount of \$419,700, on the following assumptions:

- (a) The Symposium would be held at Geneva during the second half of 1967;
- (b) It would be of three weeks' duration;
- (c) There would be no more than four meetings daily, two of which might be held simultaneously;
- (d) Interpretation would be required in the official languages of the organization;
- (e) In-session documentation would not exceed 40 pages per day;
- (f) No summary records would be provided;

(g) A report of approximately 200 pages would be produced during the Symposium.

Moreover, it had been assumed that the pre-conference general documentation and the reports of the regional symposia would be distributed in the working languages of the Economic and Social Council, i.e., English, French and Spanish.

112. Annex II to the Council's resolution contained draft rules of procedure for the International Symposium which included the following provisions:

(a) The documents for general distribution shall be made available in English, French, Russian and Spanish (rule 13).

(b) English, French, Russian and Spanish shall be the working languages of the Symposium (rule 14).

(c) Speeches made in one of these working languages shall be interpreted into the others (rule 15).

(d) Summary records of sessions shall be provided (rule 16).

113. The Council was informed that these actions would necessitate a revision of the initial estimates to take into account the following additional requirements:

	United States dollars
Provision of Russian language versions of general documentation and reports of the regional symposia	76,750
4,500 pages of translation and related typing and reproduction costs	
Provision of summary records in the proposed four working languages of the Symposium	140,000
48 précis-writers/translators and 16 revisers	\$89,600
48 stenographers/typists	\$32,400
Reproduction, distribution and related supplies	\$18,000
Interpretation to be provided in four languages	(6,600)
Reduction in respect of Chinese interpreters for which \$6,600 had been included in the initial estimates	
TOTAL	210,150

114. The net increase to the initial estimates would therefore amount to \$210,150, and would result in a total estimate for the costs of the International Symposium in 1967 of \$629,850. The estimated costs in 1968 of the publication of the report of the Symposium together with selected papers, on the basis of a maximum of 2,000 pages of mimeographed text per language, amounts to \$111,000.

115. The original estimate of conference servicing costs had been made subject to revision in the light of conference cost estimates related to the servicing of the International Symposium to be provided by the United Nations Office at Geneva. As a result, the amount of \$140,000 originally given for the cost of preparing full summary records may now be reduced by \$25,000 to the level of \$115,000, representing \$100,000 for staff and \$15,000 for internal reproduction supplies.

116. The total net additional requirements for 1967 resulting from the decisions of the Council being currently estimated at \$185,150, the Secretary-General requests an additional appropriation for 1967 in this amount.

⁵² Documents E/C.5/135 and Add.1-4 (mimeographed).

⁵³ Chapter II of document E/C.5/135.

RESOLUTION 1183 (XLI). FLOW OF EXTERNAL RESOURCES TO DEVELOPING COUNTRIES

RESOLUTION 1184 (XLI). MEASUREMENT OF THE FLOW OF ASSISTANCE AND LONG-TERM CAPITAL

117. In its resolution 1183 (XLI), of 5 August 1966, the Council requested the Secretary-General:

“(a) To study the feasibility of setting up within the United Nations Organization for Industrial Development or any other appropriate United Nations body, an advisory service which could provide information to the developing countries on the sources of supply, the cost and the quality of equipment needed for their development;

“(b) To undertake, in consultation with the United Nations Conference on Trade and Development, the International Monetary Fund, IBRD and such other organizations as he considers necessary, a study on:

“(i) Economic factors affecting the ability of developed countries to transfer maximum financial resources to the developing countries in accordance with the relevant recommendations contained in the Final Act of UNCTAD, particularly its annex A.IV.2, taking into account the increase in the national income of the developed countries;

“(ii) The progress made by individual developed countries in the implementation of operative paragraph 3 (b) (ii) above; [i.e. providing external resources on easier terms and conditions].

“(c) To report to the Economic and Social Council at its forty-third session on the implementation of the present resolution, with particular emphasis on the objectives relating to the volume and the terms and conditions of the flow of external resources to developing countries.”

118. In resolution 1184 (XLI), of the same date, the Council, having considered the interim report of a group of experts designated by the Secretary-General in terms of General Assembly resolution 1938 (XVIII), of 11 December 1963, to study the measurement of the flow of assistance and long-term capital, requested the Secretary-General:

“(a) To include in his annual report on the *International Flow of Long-term Capital and Official Donations*, to the extent that available data make it possible, an analysis and an evaluation of the reverse flow of capital and invisibles, as well as of interest and dividend repayments, from developing to developed countries, so as to determine the net external resources available to the developing countries;

“(b) To convene the group of experts referred to in General Assembly resolution 1938 (XVIII), taking into account the necessity of ensuring adequate geographical representation, and to invite the group to submit a final report in time for the forty-third session of the Council.”

119. The Council was informed⁵⁴ that it would be the intention of the Secretary-General, given favourable action by the Council and the General Assembly to his request for additional staff to service the needs of the Committee on Development Planning, to undertake the studies without further additional financial provision for staff or consultants. However, the extent to which these studies developed during 1966 and 1967 would be reviewed, and if it should prove necessary to reinforce the existing staff for these purposes, the requirements would be taken into account when the budget estimates for 1968 were submitted to the General Assembly.

120. With regard to the meeting of experts, which, it was understood, would take place early in 1967, additional financial provision would need to be made in the amount of \$10,500 covering the travel and subsistence costs of up to 8 experts, to attend this meeting of two weeks' duration in New York.

121. Accordingly, the Secretary-General requests an additional provision of \$10,500 for 1967 for this purpose.

⁵⁴ Document E/AC.6/L.347 (mimeographed).

ANNEX I

Resolution 68 (XXII) of the Economic Commission for Asia and the Far East, dated 31 March 1966

ASIAN CONFERENCE ON INDUSTRIALIZATION AND ASIAN INDUSTRIAL DEVELOPMENT COUNCIL

[For the text of the resolution, see Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 2, pp. 184-188.]

ANNEX II

Estimated additional expenditure resulting from decisions taken by the Economic and Social Council at its fortieth and forty-first sessions

Council resolution	Title	1966	1967		1968
		Expenditure financed within existing appropriation	A Expenditure to be financed within initial estimate	B Net additional appropriation requested or (deduction)	Amounts to be included in initial estimate
United States dollars					
1103 (XL)	Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination	—	—	58,000	79,800
1104 (XL)	Report of the Commission on Narcotic Drugs	6,000	—	—	—
1109 (XL)	Tourism	—	5,000	—	—
1112 (XL)	Non-agricultural resources	—	—	24,000	—
1113 (XL)	Development of non-agricultural resources	9,000	—	—	—

ANNEX II (continued)

Council resolution	Title	1966	1967		1968
		Expenditure financed within existing appropriation	A Expenditure to be financed within initial estimate	B Net additional appropriation requested or (deduction)	Amounts to be included in initial estimate
<i>United States dollars</i>					
1116 (XLI)	Annual report of the Economic Commission for Europe	1,200	2,950	—	—
1117 (XLI)	Annual report of the Economic Commission for Asia and the Far East	—	—	276,700	370,000
1119 (XLI)	Annual report of the Economic Commission for Africa	3,500	—	28,000	—
1126 (XLI)	Slavery	13,500	—	—	—
1127 (XLI)	Development of natural resources	—	—	17,100	—
1129 (XLI)	Arrangements for the convening of an international conference to replace the Convention on Road Traffic and the Protocol on Road Signs and Signals done at Geneva, 19 September 1949	—	—	(188,500)	188,500
1140 (XLI)	Proposed conference of ministers responsible for social welfare	—	—	60,700	^a
1141 (XLI)	Research-training programme on regional development in the social field	10,000	—	41,000	25,300
1147 (XLI)	Enlargement of subsidiary organs of the Council	—	—	36,200	31,900
1148 (XLI)	Economic planning and projections	—	—	221,590	113,000
1155 (XLI)	Science and technology	6,500	25,600	20,700	—
1158 (XLI)	Question of punishment of war criminals and of persons who have committed crimes against humanity	—	—	17,000	—
1160 (XLI)	International Year for Human Rights	—	—	33,700	—
1165 (XLI)	Revision of the work programme of the Commission on Human Rights in the field of human rights	—	—	13,400	—
1170 (XLI)	Financing of housing and community facilities	—	3,000	15,000	—
1177 (XLI)	Work programme of the United Nations in the economic, social and human rights fields and its budgetary requirements	—	—	44,000	57,000
1180 (XLI)	Regional and international symposia on industrial development	—	—	185,150	—
1183 (XLI)	Flow of external resources to developing countries	—	—	10,500	—
1184 (XLI)	Measurement of the flow of assistance and long-term capital				
TOTAL		49,700	36,550	914,240	

^a Varying proposals for 1968 have been given above (see para. 58); actual requirements are dependent upon recommendations to be made by the preparatory committee, and therefore cannot be determined at this time.

ANNEX III

Additional appropriations requested for 1967 (by sections of the budget)

Council resolution	Title	Section 3					Total	Section 4	Section 5	Section 8	Section 9	Section 10	Total expenditure	Income section 1
		Section 1	Section 2	Chapter I Established posts	Chapter II Temporary assistance for meetings	Chapter III Other temporary assistance								
<i>United States dollars</i>														
1103 (XL)	Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination ..	—	—	35,800	—	—	35,800	22,200	—	—	—	—	58,000	6,900
1112 (XL)	Non-agricultural resources	—	—	—	—	24,000	24,000	—	—	—	—	—	24,000	1,100
1117 (XLI)	Annual report of the Economic Commission for Asia and the Far East	—	—	113,900	—	48,000	161,900	57,800	20,000	14,000	18,000	5,000	276,700	22,000
1119 (XLI)	Annual report of the Economic Commission for Africa	—	28,000	—	—	—	—	—	—	—	—	—	28,000	—
1127 (XLI)	Development of natural resources	—	—	—	—	17,100	17,100	—	—	—	—	—	17,100	—
1129 (XLI)	Arrangements for the convening of an international conference to replace the Convention on Road Traffic and the Protocol on Road Signs and Signals done at Geneva, 19 September 1949	—	(188,500)	—	—	—	—	—	—	—	—	—	(188,500)	(12,500)
1140 (XLI)	Proposed conference of ministers responsible for social welfare	—	60,700	—	—	—	—	—	—	—	—	—	60,700	—

1141 (XLI)	Research-training programme on regional development in the social field	—	—	10,300	—	12,500	22,800	5,700	12,500	—	—	—	41,000	2,000
1147 (XLI)	Enlargement of subsidiary organs of the Council	36,200	—	—	—	—	—	—	—	—	—	—	36,200	—
1148 (XLI)	Economic planning and projections	25,150	—	49,200	62,010	50,000	161,210	28,300	6,930	—	—	—	221,590	4,400
1155 (XLI)	Science and technology	—	—	—	—	19,000	19,000	—	1,700	—	—	—	20,700	—
1158 (XLI)	Question of punishment of war criminals and of persons who have committed crimes against humanity	—	—	—	—	17,000	17,000	—	—	—	—	—	17,000	—
1160 (XLI)	International Year for Human Rights	—	—	—	—	22,000	22,000	11,700	—	—	—	—	33,700	—
1165 (XLI)	Revision of the work programme of the Commission on Human Rights in the field of human rights	—	—	—	12,400	—	12,400	—	1,000	—	—	—	13,400	—
1170 (XLI)	Financing of housing and community facilities	—	—	—	—	15,000	15,000	—	—	—	—	—	15,000	—
1177 (XLI)	Work programme of the United Nations in the economic, social and human rights fields and its budgetary requirements	—	—	30,000	—	—	30,000	14,000	—	—	—	—	44,000	5,500
1180 (XLI)	Regional and international symposia on industrial development	—	185,150	—	—	—	—	—	—	—	—	—	185,150	—
1184 (XLI)	Measurement of the flow of assistance and long-term capital	—	—	—	—	10,500	10,500	—	—	—	—	—	10,500	—
	TOTAL	61,350	85,350	239,200	74,410	235,100	548,710	139,700	42,130	14,000	18,000	5,000	914,240	29,400

ANNEX IV

Additional staff requirements resulting from decisions taken by the Economic and Social Council at its fortieth and forty-first sessions

DISTRIBUTION OF POSTS BY ORGANIZATIONAL UNIT

Table No. ^a	Unit	Category and level							
		I. Professional					II. General Service		
		P-5	P-4	P-3	P-2/P-1	Total	G-5	Other levels	Total
3-11	Division of Human Rights	—	—	4	—	4	—	2	2
	<i>Department of Economic and Social Affairs</i>								
3-15 C	Fiscal and Financial Branch	—	1	—	1	2	1	2	3
3-15 D	Planning and Projections Branch ..	—	2	2	—	4	—	2	2
	Development Planning Advisory Services	1	—	—	—	1	—	—	—
3-15 H	Office of the Commissioner for Social Development and Housing	1	—	—	—	1	—	—	—
	<i>Economic Commission for Asia and the Far East</i>								
3-24	Editorial and Language Service	—	—	3	—	3	—	4	4
	Industries Division	5	—	5	—	10	—	5	5
	TOTAL	7	3	14	1	25	1	15	16

^a The numbers of the tables are the same as those in the budget estimates for the financial year 1967 (A/6305).

DOCUMENTS A/6457 AND ADD.1

Report of the Advisory Committee on Administrative and Budgetary Questions

DOCUMENT A/6457

[Original text: English]
[10 October 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/C.5/1056), containing his proposals for revisions to the initial budget estimates for 1967 (A/6305) for the implementation of decisions taken by the Economic and Social Council at its fortieth and forty-first sessions, held in New York from 25 February to 10 March 1966 and at Geneva from 5 July to 5 August 1966, respectively.

2. The additional requirements for 1966 and 1967, which are based on statements of financial implications submitted to the Council during its fortieth⁵⁵ and forty-first⁵⁶ sessions, are estimated by the Secretary-General at \$1,000,490, of which \$49,700 is to be incurred in 1966 and \$36,550 will be met from within the initial appropriations requested for 1967. The total net additional appropriations for 1967 requested by the Secretary-General amounting to \$914,240 will be offset by income in the amount of \$29,400.

3. The revised estimates for 1967 do not cover additional requirements which are expected to arise as a result of the decisions to be taken by the General Assembly, *inter alia*, on the operating procedures and administrative arrangements of the UNOID, the pro-

posal to convene a conference on the peaceful uses of outer space, and any other proposals affecting the 1967 estimates which may be submitted to the Assembly at its twenty-first session.

4. With regard to the additional requirements for 1967, it is important to recognize that an amount of \$188,500 included in the initial estimates for 1967 under section 2 (Special meetings and conferences) will not be required in 1967 because of the postponement to 1968 of the International Conference on the Revision of the Convention on Road Traffic and of the Protocol on Road Signs and Signals. In effect the additional expenditures estimated for 1967 amount therefore to \$1,102,740 covering the following activities:

	<i>Economic and Social Council resolution</i>	<i>Expenditure United States dollars</i>
(a) Measures for the speedy implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination	1103 (XL)	58,000
(b) Non-agricultural resources	1112 (XL)	24,000
(c) Annual report of the Economic Commission for Asia and the Far East	1117 (XLI)	276,700
(d) Annual report of the Economic Commission for Africa	1119 (XLI)	28,000

⁵⁵ See foot-note 19.

⁵⁶ See foot-note 20.

	<i>Economic and Social Council resolution</i>	<i>Expenditure United States dollars</i>
(e) Development of natural resources	1127 (XLI)	17,100
(f) Proposed conference of ministers responsible for social welfare	1140 (XLI)	60,700
(g) Research-training programme on regional development in the social field	1141 (XLI)	41,000
(h) Enlargement of subsidiary organs of the Council	1147 (XLI)	36,200
(i) Economic planning and projections	1148 (XLI)	221,590
(j) Science and technology ..	1155 (XLI)	20,700
(k) Question of punishment of war criminals and of persons who have committed crimes against humanity ..	1158 (XLI)	17,000
(l) International Year for Human Rights	1160 (XLI)	33,700
(m) Revision of the work programme of the Commission on Human Rights in the field of human rights	1165 (XLI)	13,400
(n) Financing of housing and community facilities	1170 (XLI)	15,000
(o) Work programme of the United Nations in the economic, social and human rights fields and its budgetary requirements	1177 (XLI)	44,000
(p) Regional and international symposia on industrial development	1180 (XLI)	185,150
(q) Measurement of the flow of assistance and long-term capital	1184 (XLI)	10,500
TOTAL		<u>1,102,740</u>
<i>Less:</i>		
Arrangements for the convening of an international conference to replace the Convention on Road Traffic and the Protocol on Road Signs and Signals done at Geneva, 19 September 1949	1129 (XLI)	<u>(188,500)</u>
TOTAL (NET)		<u>914,240</u>

5. Distribution of the total net amount of \$914,240 among budget sections would be as follows:

<i>Section</i>	<i>United States dollars</i>
1. Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies	61,350
2. Special meetings and conferences	85,350
3. Salaries and wages	548,710
4. Common staff costs	139,700
5. Travel of staff	42,130
8. Permanent equipment	14,000
9. Maintenance, operation and rental of premises	18,000
10. General expenses	5,000
TOTAL	<u>914,240</u>
Income section 1. Staff assessment income	<u>29,400</u>

OBSERVATIONS AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE

6. At the outset the Advisory Committee wishes to draw attention to the substantial increase in the requirements for 1967 resulting from recent decisions of the Economic and Social Council. Although the initial budget estimates are submitted to the Committee in May-June, any financial implications of decisions which the Council may take at its summer session are not included in the initial estimates and therefore are not available to the Committee in time. Thus, it is not until the last months of the year that Governments of Member States are able to obtain a complete picture of the economic and social programmes and their budgetary implications for the following year. The Committee would also point out that, apart from the financial consequences, there are wider implications in addition to the over-all programme of meetings and to the expansion of staff.

7. In its examination of the Secretary-General's 1967 revised estimates resulting from Economic and Social Council resolution 1117 (XLI), the Advisory Committee noted that the Council endorsed the proposed programme of work and priorities of ECAFE. In this connexion the Committee gave particular attention to ECAFE resolution 68 (XXII), of 31 March 1966, in which the Commission decided to make the Asian Conference on Industrialization a permanent organ of the Commission, to establish an Asian Industrial Development Council as the operational counterpart of the Conference, mainly to implement the recommendations of the latter organ, to provide for an advisory group of experts reporting to the Council and to designate the ECAFE secretariat as the secretariat of these organs.

8. The Advisory Committee is aware of and appreciates the need for expanding the activities in the field of industrial development in the ECAFE region. However, it is of the opinion that certain questions of co-ordination are involved, which might receive further clarification following the establishment of UNOID by the General Assembly. The Committee will postpone its examination of the revised estimates for this particular item and will include its observations on the financial implications of Council resolution 1117 (XLI) in its report to the General Assembly on the Secretary-General's revised estimates for 1967 resulting from the establishment of UNOID. Accordingly, the Advisory Committee has provisionally excluded the proposed additional requirements of ECAFE, in the amount of \$276,700, from the Secretary-General's proposals, as indicated in paragraph 18 below.

9. In paragraph 6 of his report the Secretary-General requests the establishment of 41 new posts, namely, 25 Professional and 1 General Service posts. Of these 41 posts, 22 are proposed for the secretariat of ECAFE and 19 for the Department of Economic and Social Affairs and the Division of Human Rights. In this connexion, the Advisory Committee wishes to draw attention to the need of reviewing the request for additional staff resources in the light of the decision taken during the twentieth session by the Fifth Committee at its 1088th meeting, on 8 November 1965, by which the Secretary-General was "requested to base his budgetary requests for 1967 on the staffing levels approved for 1966".⁵⁷

⁵⁷ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 76, document A/6223, para. 27.

10. The Advisory Committee has taken into account the expected 1966 year-end vacancy situation in the Professional establishment. The Committee is also aware that subsequent to the Fifth Committee's request new work programmes have been approved and others have been expanded or accelerated, but it is not convinced that these factors themselves justify an increase in the establishment of the order proposed by the Secretary-General. There is a continuing need for the Secretary-General to ascertain and review which of the needs arising out of the decisions of the Council can be met by reorganization and redeployment of existing staff resources and to determine to what extent these needs can be met from vacancies within the approved establishment. In this connexion, the Advisory Committee wishes to draw attention to its report on the supplementary estimates for 1966,⁵⁸ concerning the vacancy situation for Professional posts. It is expected that up to 150 Professional posts will be vacant at the end of 1966. More than 80 of these vacant posts are located in the economic and social area, as compared with 125 such vacancies as of 31 August 1966. Experience during recent years has shown that recruitment of qualified staff in these technical and specialized fields is by necessity a slow process. In the Advisory Committee's opinion, therefore, there should be a more moderate number of new posts requested. The vacancy situation would also, in the view of the Committee, justify a higher figure for turnover than that used by the Secretary-General in his revised estimates.

11. Having applied the foregoing considerations to the Secretary-General's request for new posts, the Advisory Committee recommends that a total of 12 new posts (8 Professional and 4 General Service) rather than the 19 requested (12 Professional and 7 General Service) should be approved for the Department of Economic and Social Affairs and the Division of Human Rights, and that the turnover factor for the additional Professional posts should be increased from 50 to 75 per cent and for the General Service posts from 20 to 30 per cent. This recommendation would result in a reduction of \$73,700 in the estimates for chapter I (Established posts) of section 3 and a consequential reduction of \$29,300 in section 4.

12. The Advisory Committee noted that, over and above the proposed increase in the number of established posts (chapter I of section 3) provision has been included in the revised estimates for temporary assistance for meetings (chapter II of section 3) and for consultants and other temporary assistance (chapter III of section 3). It wishes to point out the sizable amounts already included in the initial estimates for 1967 for chapters II and III, which call for substantial increases over the 1966 appropriations. Taking into account the totality of the resources at the disposal of the Secretary-General in section 3 as a whole, the Advisory Committee considers that the requirements could be somewhat reduced. It therefore proposes \$70,000 for chapter II (as against \$74,410) and \$175,000 for chapter III (compared with \$187,100 for those requirements, excluding the ECAFE needs).

13. The Secretary-General requests an additional amount of \$185,150 under section 2 of the 1967 budget estimates in connexion with the International Symposium on Industrial Development to be held during

1967. The initial budget estimates for 1967 include a provision of \$419,700 for the following main categories of costs:

	<i>United States dollars</i>
Pre-conference costs	280,400
Conference costs	107,300
Post-conference costs	32,000
	<hr/>
TOTAL	419,700

14. By its resolution 1180 (XLI), the Council decided that the rules of procedure for the International Symposium would provide for distribution of documents and reports in four languages instead of the three working languages of the Council and also for summary records of sessions. The Secretary-General reports that, after taking into account actual reductions in the initial estimates, the net additional costs as a result of the Council's action amount to \$185,150, as follows:

	<i>United States dollars</i>
Provision of additional language versions	70,150
Provision of summary records	115,000
	<hr/>
TOTAL	185,150

15. The Advisory Committee is concerned about the large increase in the already substantial budgetary and servicing requirements provided under this heading. While the Committee appreciates the reasons for expanding the effective use of pre-conference documentation, including reports of the regional symposia, it has doubts as to the need for summary records of the session which would require an amount of \$115,000. The Committee understands that the technical value of the proceedings would not be diminished by elimination of the summary records. The Advisory Committee therefore, while not recommending a reduction in the estimate of \$115,000 at this time, recommends that the Council should reconsider its decision on this matter.

16. The Advisory Committee in the past has expressed its concern about the size of the conference and meetings programme and the extent of the facilities involved and has proposed that the General Assembly address special and urgent attention to this problem. It notes from Economic and Social Council resolution 1140 (XLI) that the Secretary-General has been requested to proceed with plans for convening a conference of ministers responsible for social welfare in 1968. The Council made its request subject to the terms of General Assembly resolution 2116 (XX), in particular its paragraph 5, by which the Assembly decided that "not more than one major special conference of the United Nations shall be scheduled in any one year". While it is too early to foresee the total programme of conferences and meetings for 1968, it is known that at least one conference is already scheduled and several others are being planned for that year.

17. With regard to the pre-conference costs of \$60,700 for the conference of ministers responsible for social welfare, the Advisory Committee holds the view that a reduction in the amount of \$10,700 could be made in the requirements for consultants and experts services, for travel and documentation.

⁵⁸ *Ibid.*, *Twenty-first Session, Annexes*, agenda item 73, document A/6452, para. 15.

18. Recapitulation of reductions recommended:

<i>Section</i>	<i>ECAFE requirements (Economic and Social Council resolution 1117 (XLI))</i>	<i>Reductions recommended by the Advisory Committee</i>	<i>Total</i>
		<i>United States dollars</i>	
2. Special meetings and conferences	—	10,700	10,700
3. Salaries and wages:			
Chapter I. Established posts	113,900	73,700	187,600
Chapter II. Temporary assistance for meetings	—	4,410	4,410
Chapter III. Other temporary as- sistance	48,000	12,100	60,100
4. Common staff costs	57,800	29,300	87,100
5. Travel of staff	20,000	—	20,000
8. Permanent equipment	14,000	—	14,000
9. Maintenance, operation and rental of premises	18,000	—	18,000
10. General expenses	5,000	—	5,000
TOTAL	276,700	130,210	406,910

As indicated in paragraphs 7 and 8 above, the Advisory Committee will examine the Secretary-General's additional requirements of \$276,700 requested under Economic and Social Council resolution 1117 (XLI) and ECAFE resolution 68 (XXII) when considering the revised 1967 estimates consequent upon the establishment of UNOID.

19. If the General Assembly concurs with the course of action proposed by the Advisory Committee above, the amount of revised estimates for 1967 would be reduced at this time from \$914,240 to \$507,330 and the estimate for staff assessment under income section 1 would be consequently reduced by \$29,400, including \$22,000 for ECAFE.

DOCUMENT A/6457/ADD.1*

[Original text: English]
[8 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has submitted its observations and recommendations (A/6457) on the Secretary-General's proposals (A/C.5/1056) for revisions to the initial budget estimates for 1967 resulting from decisions taken by the Economic and Social Council at its fortieth and forty-first sessions, held in New York from 25 February to 10 March 1966, and in Geneva from 5 July to 5 August 1966, respectively.

2. In its resolution 1117 (XLI), the Council took note of the annual report of ECAFE⁵⁹ for the period 30 March 1965 to 4 April 1966 and endorsed the programme of work and priorities called for under ECAFE resolution 68 (XXII), of 31 March 1966, by which the Commission decided to make the Asian Conference on Industrialization a permanent organ of ECAFE, to establish an Asian Industrial Development Council as the operational counterpart of the Conference, mainly

to implement the recommendations of the latter organ, to provide for an advisory group of experts reporting to the Council and in addition to designate the ECAFE secretariat as the secretariat of those organs. The Advisory Committee was of the opinion that certain questions of co-ordination required further clarification in the light of the forthcoming establishment of UNIDO.⁶⁰

3. At its meetings held at Manila from 6 to 20 December 1965, the Asian Conference on Industrialization organized by ECAFE called for a crash programme of industrialization and for the establishment of institutional arrangements for the implementation of its recommendations. The Advisory Committee acknowledges the need to widen activities in this important field of industrial development in the region covered by ECAFE. It also understands that, under the terms of the rules of procedure of ECAFE, the Commission may establish such subsidiary bodies as it feels necessary to discharge the functions and responsibilities called for by its membership. The Advisory Committee feels, however, that a less hasty approach to certain of the organizational arrangements decided upon by the Commission would have been preferable, bearing in mind the establishment in 1966 of UNIDO as an autonomous body within the United Nations for the purpose of co-ordinating over-all activities in the field of industrial development.

4. It would appear to the Advisory Committee that the deliberations and decisions to be taken by the Industrial Development Board early in 1967, will have a bearing on the co-ordination and implementation of regional programmes in the field of industrial development, not only for ECAFE but also for all the other regional economic commissions, and it would therefore seem prudent to exercise restraint in the expansion of such programmes at this time. The Committee trusts, therefore, that the Board and ECAFE will give early consideration to these matters, thereby giving assurance

* Incorporating document A/6457/Add.1/Corr.1., dated 10 November 1966.

⁵⁹ See foot-note 34.

⁶⁰ For the Advisory Committee's observations and recommendations on UNIDO see *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 41, document A/6493.

to the Economic and Social Council and the General Assembly that endeavours in this field, to which Member States attach great importance, will proceed in accordance with their directives.

5. The Secretary-General's revised estimates of \$276,700 for ECAFE for 1967 call for the addition of 22 new posts (13 Professional and 9 General Service) and related costs for these new subsidiary organs. In considering this request for additional posts, the Advisory Committee has to bear in mind that the Fifth Committee at its 1088th meeting, on 8 November 1965, decided that, in the light of the number of new established posts requested under section 3 of the budget estimates for 1966, it was unlikely that qualified candidates could be recruited for all of these posts in 1966 and that a more orderly recruitment spread over the years 1966 and 1967 would be in the best interests of the Organization. It was the view of the Fifth Committee that such a procedure should make it unnecessary for the Secretary-General to provide for additional established posts in section 3 of his budget estimates for 1967, and the Secretary-General was accordingly requested to base his requests on the staffing levels approved for 1966.

6. In the opinion of the Advisory Committee a broadening or acceleration of work programmes does not necessarily call for an automatic increase in personnel. It is essential first to review the existing staff resources and determine to what extent any expanded needs can be met by redeployment of those resources and also by filling the vacancies in the present establishment. In this connexion the Committee has been informed that some posts in the ECAFE manning table will remain unfilled at the end of 1956. Experience has

shown that recruitment of qualified staff in highly technical and specialized fields is of necessity a slow process. This is reflected further by the application of a turnover factor of 50 per cent for additional Professional posts and 20 per cent to new General Service posts in the estimates under review.

7. The Advisory Committee, being aware on the one hand that the Economic and Social Council has taken its decision on the ECAFE proposals and, on the other, having applied the above considerations to the Secretary-General's proposals for additional staff resources for ECAFE for 1967, recommends that a total of 15 new posts (9 Professional and 6 General Service) be approved for ECAFE as compared with the 22 requested. This recommendation would result in a reduction of \$37,000 in the estimates for chapter I (Established posts) of section 3 and a consequential reduction of \$18,000 in section 4.

8. Over and above the proposed increase in the number of established posts, additional provision is requested for consultants (\$48,000), travel of staff on official business (\$20,000), permanent equipment (\$14,000), rental and maintenance of premises (\$18,000), and general expenses (\$5,000). Besides a suggested reduction of \$18,000 in additional requirements of consultants, the reduced staff resources as recommended by the Advisory Committee in the preceding paragraph would have as a concomitant effect a reduction of most of the additional budgetary requests under the other four headings, and the Committee therefore recommends that a further reduction of \$12,000 be applied to the request of \$57,000 for these items.

9. Recapitulation of reductions recommended:

Section	Appropriation requested by the Secretary-General (A/C.5/1056)	Advisory Committee's recommendation	Reduction recommended
<i>United States dollars</i>			
3. Salaries and wages:			
Chapter I. Established posts	113,900	76,900	37,000
Chapter III. Other temporary assistance	48,000	30,000	18,000
4. Common staff costs	57,800	39,800	18,000
5. Travel of staff	20,000	15,000	5,000
8. Permanent equipment	14,000	11,000	3,000
9. Maintenance, operation and rental of premises	18,000	14,000	4,000
10. General expenses	5,000	5,000	—
TOTAL	276,700	191,700	85,000

10. Should the General Assembly concur in the course of action recommended by the Advisory Committee, the amount of the revised estimates for ECAFE for 1967, resulting from ECOSOC resolution 1117 (XLI) and ECAFE resolution 68 (XXII), would be reduced from \$276,700 to \$191,700, and the estimate of \$22,000 for staff assessment under income section 1 would be reduced by \$7,200 to \$14,800.

Sections 1, 3, 4, 10 and 11

Question of South West Africa

DOCUMENT A/C.5/1100

Report of the Secretary-General

[Original text: English]

[8 December 1966]

1. The General Assembly, after its consideration of agenda item 65 (Question of South West Africa: 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), adopted without reference to a Main Committee, on 27 October 1966, resolution 2145 (XXI) dealing with the assumption by the United Nations of certain responsibilities with respect to South West Africa. Prior to its decision, the Assembly's attention was drawn⁶¹ to the financial implications of the proposals concerned

2. In terms of paragraph 6 of the resolution, the General Assembly decided to establish an *Ad Hoc* Committee for South West Africa composed of fourteen Member States, to recommend practical means by which South West Africa should be administered, so as to enable the people of the Territory to exercise the right of self-determination and to achieve independence, and to report to the General Assembly at a special session as soon as possible and in any event not later than April 1967.

3. In terms of paragraph 10, the Secretary-General was requested to provide all the assistance necessary to implement the resolution and to enable the *Ad Hoc* Committee to perform its duties.

4. In pursuance of paragraph 6 of the resolution, the President of the General Assembly on 21 November 1966 designated the members of the *Ad Hoc* Committee, which may be expected to commence its work in the near future. No additional costs will arise in this connexion inasmuch as it is anticipated that the meetings concerned could be serviced from within existing resources. It is, however, necessary to request additional appropriations in a total estimated amount of \$110,000 to cover the costs of the special session of the General Assembly to be held not later than April 1967.

5. Of this estimate, \$50,000 relates to payment of travel costs of one representative of each Member Government to attend the special session, in accordance with the provisions of General Assembly resolution 1798 (XVII). The full potential cost if all Member States exercised this entitlement would have been in the amount of some \$100,000. The proposed appropriations takes into account the fact that many Member States might be represented by the heads of their permanent missions in New York. The balance of the estimated requirements, in an amount of \$60,000, relate to the cost of temporary assistance for the servicing of the special session as well as for the printing of the *Official Records*. The necessary interpretation, translation and typing services could be met from within resources already requested for 1967. Additional costs would, however, arise for the following purposes:

	United States dollars
Verbatim reporting	10,000
This estimate would provide for the strengthening of the regular establishment by 8 Spanish, 1 French, 2 English and 2 Russian verbatim reporters.	
Editing of Official Records	10,000
Provision is made for one team of editors for a period of 10 weeks.	
Reproduction and printing of documentation	40,000
This estimate includes \$15,000 for the strengthening of the reproduction services on a temporary assistance basis; \$5,000 for internal reproduction supplies; and \$20,000 for printing.	
TOTAL	60,000

6. The cost estimates indicated above have been drawn up on the assumption that the special session of the General Assembly might be convened for three weeks, either in March or April 1967, that there would be a maximum of two meetings per day, and that the Secretary-General would have a certain discretion in the scheduling of the totality of meetings already planned at Headquarters during the period up to and including April 1967 in order that the meetings of the *Ad Hoc* Committee as well as of the special session may be accommodated at the minimum additional cost.

7. As regards assistance to be rendered to the *Ad Hoc* Committee by the relevant substantive departments, the additional staff resources which may have to be provided could only be determined when the scope and nature of the requirements are more clearly known. It can, however, already be established that the staff of the Department of Trusteeship and Non-Self-Governing Territories will need to be strengthened by the addition, on a temporary assistance basis, of one Professional post at the P-5 level and one secretary at the G-3 level. The related costs are estimated at \$34,500, consisting of \$26,100 for salaries and \$8,400 for common staff costs.

8. Accordingly, the Secretary-General requests the appropriation of an additional amount of \$144,500 for 1967 as follows:

	United States dollars
1. Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies:	
Chapter I, heading (i)—Travel of representatives to the General Assembly	50,000
3. Salaries and wages:	
Chapter II—Temporary assistance for meetings	35,000
Chapter III—Other temporary assistance	26,100
4. Common staff costs	8,400
10. General expenses	5,000
11. Printing	20,000
TOTAL	144,500

⁶¹ See *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 65, documents A/6456 and A/6488.

Sections 1 and 5

Standards of air travel accommodation

DOCUMENT A/C.5/1074

Report of the Secretary-General

[Original text: English]
[27 October 1966]

1. The General Assembly, at its twentieth session, took certain decisions as to the standards which shall apply in respect of the payment of travel costs of members of organs and subsidiary organs of the United Nations, where applicable, and of members of the Secretariat and their dependants.

2. In the case of members of organs and subsidiary organs of the United Nations, it was decided, in terms of General Assembly resolution 2128 (XX), of 21 December 1965, that:

“Payment of travel expenses shall, in all cases, be limited to the cost of economy-class accommodation by air or its equivalent by recognized public transport via a direct route”.

In the relevant report of the Fifth Committee⁶² it was indicated that the recommendation naturally left it to the discretion of Member States or individuals concerned to travel by whatever standard of accommodation they considered appropriate; the proposed new rule would merely introduce a new limit on the extent to which they could be reimbursed by the United Nations.

3. As a corollary to this recommendation on the reimbursement rate for the travel of members of organs and subsidiary organs, the Fifth Committee, at its 1073rd meeting, decided to recommend that the standard of economy-class travel shall apply “in the case of all members of the Secretariat with the exception of the Secretary-General and officers who accompany him and whom he shall appoint”.⁶³

4. In the course of the current year the question of staff travel standards has been the subject of further review by ICSAB and ACC in connexion with their consideration of divergencies in the application of a common system of administrative practices by the family of international organizations.

5. The various issues raised in the preceding paragraphs are dealt with in more detail below, together with certain proposed modifications of present policies and practices which, in the light of experience and developments during 1966, the Secretary-General wishes to submit to the General Assembly for its consideration.

PAYMENT OF TRAVEL COSTS OF MEMBERS OF ORGANS AND SUBSIDIARY ORGANS OF THE UNITED NATIONS

6. The system of payment out of United Nations funds of travel and subsistence expenses to members of organs and subsidiary organs of the United Nations is governed by the provisions of General Assembly resolution 1798 (XVII) of 11 December 1962.

7. As indicated in paragraph 2 of that resolution, the system is based on the following main principles:

(a) Travel and subsistence shall be paid in respect of members of organs or subsidiary organs who serve in their individual capacities and not as representatives of Governments;

(b) Neither travel nor subsistence expenses shall be paid in respect of members of organs or subsidiary organs who serve as representatives of Governments.

8. By way of special exception to the basic principle under sub-paragraph (b) above, the resolution, paragraph 3, proceeds to spell out certain specific instances where either travel expenses alone or both travel and subsistence costs would be payable. The most notable of these exceptions is that travel, but not subsistence, shall be paid in respect of representatives or alternate representatives attending sessions of the General Assembly, provided that the number of persons whose expenses shall be so paid shall not exceed five for each Member State in respect of regular sessions, and one for each Member State in respect of special and special emergency sessions. This arrangement dates back to a decision taken by the General Assembly in 1946 at its first session and based on the consideration that the opportunities of members to participate in the activities of the United Nations should be equalized as far as possible.

9. As regards the travel of members of organs or subsidiary organs, the Secretary-General informed the Advisory Committee on Administrative and Budgetary Questions at its summer session in 1966 that the new travel standards had been adhered to in the main (see A/6307, para. 113). However, certain difficulties had become evident, and it had been necessary for the Secretary-General to authorize exceptions to the approved policy, particularly in regard to the travel of members of committees and commissions serving in their individual and expert capacities rather than as representatives of their Governments. Once exceptions were made to any rule, the element of personal judgement came into play, and, as a consequence, it had become increasingly difficult to ensure fair and equitable application. These exceptions had been based for the most part on considerations of genuine personal hardship because of age or health, which the Secretary-General had felt obliged to take into account.

10. Individual cases calling for special treatment have continued and clearly will continue to arise, leading to further practical difficulties involving the human factor. Also relevant is the fact that such members are very often persons of eminence and prestige in their special fields who, with rare exceptions, are called upon to serve the United Nations without remuneration of any kind—other than payment of the standard daily subsistence—indeed not infrequently at considerable personal sacrifice. It would seem to the Secretary-General that in these circumstances the Organization has an obligation to extend at least the courtesy of first-class travel accommodations. This is so particularly if one considers the vital role which the bodies in question

⁶² *Ibid.*, Twentieth Session, Annexes, agenda item 76, document A/6223, para. 30, sub-paragraph (c).

⁶³ *Ibid.*, para. 35.

are called upon to play in the formulation, direction and control of United Nations activities and the measure of assistance and expertise voluntarily contributed. The number of persons in the category under consideration is not large and the additional cost in 1967 of providing for first-class travel for all, assuming that all bodies will meet with full attendance, is not excessive (\$28,400).

11. Accordingly, and in order that the organs concerned may function effectively and in the interests of a simple and uniformly applied administrative procedure, the Secretary-General believes that the policy established by the General Assembly at its twentieth session should be modified to permit reinstatement of first class travel entitlements for all members serving in their individual, personal or expert capacity. The organs and subsidiary organs involved, with an indication of their membership, is given in annex I of the present report.

12. In the case of organs or subsidiary organs whose members, though serving as representatives of Governments, are nevertheless entitled, under the provisions of General Assembly resolution 1798 (XVII), to have their travel costs reimbursed by the United Nations, it cannot be said that any undue difficulties have been encountered as a result of the Assembly's decision to substitute economy-class for first-class entitlement. As already indicated, this decision did not in any way seek to prescribe the standard of travel actually to be undertaken, this being a matter entirely within the discretion of Member States themselves. All it sought to do was to lay down the financial limits of the Organization's obligation to reimburse the Governments concerned for the travel expenses incurred by them in being represented on certain designated United Nations bodies.

13. The Secretary-General is not unaware, however, of the fact that the new rule has posed a problem for some Governments, especially those with limited means, to meet the cost of adequate attendance at the growing number of meetings and conferences in the international sphere. Considering that of all the meetings of its principal organs, the United Nations contributes only towards the cost of attendance at the sessions of the General Assembly, and bearing in mind suggestions made in this connexion at its twentieth session, it may be thought not inappropriate, on reconsideration, to revert to former arrangements to the extent of providing for the reimbursement, on a first-class basis, of the costs of travel of at least one representative of each Member State for attendance at regular sessions of the General Assembly. The same dispensation might similarly be extended to the one representative of each Member State whose travel is reimbursable, under resolution 1798 (XVII), for attendance at special or special emergency sessions.

14. These proposals, it is felt, would be fully consistent with—and, indeed, modestly promote—the Assembly's dual purpose of minimizing expenditures on travel of representatives while at the same time ensuring equal opportunity to all its members and particularly to their principal representatives, to attend its sessions, despite wide differences in their financial resources and geographical location. Were such proposals to commend themselves, the increased provision that would be required for 1967, would be approximately \$23,800.

TRAVEL OF UNITED NATIONS STAFF

15. Staff regulation 7.1, relating to travel of staff, provides that:

“Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall in appropriate cases pay the travel expenses of staff members and their dependants”.

16. In deciding, by its resolution 2128 (XX) that payment of travel expenses to members of organs and subsidiary organs of the United Nations should be limited to the rate of economy-class accommodation by air, or equivalent accommodation, the General Assembly, at its 1408th plenary meeting, took note—subject to an observation made by the Secretary-General—of a further conclusion of the Fifth Committee,⁶⁴ in terms of which the standard of economy-class travel would apply in the case of all members of the Secretariat with the exception of the Secretary-General and officers who accompany him and whom he shall appoint.

17. In commenting on the conclusion of the Fifth Committee as to the policy by which staff travel standards should be determined, the Secretary-General stated that he accepted the obligation to remain within the budgetary limits imposed but that, in administering the relevant appropriation, he deemed it essential to retain the discretionary authority vested in him under staff regulation 7.1 and to make such arrangements as were in his judgement in the best interests of the United Nations.

18. Steps were taken early in 1966 to establish economy class as the normal standard for all secretariat travel, and the more restrictive policy thus provided for in the case of senior level staff and of travel which involves demanding and lengthy itineraries, has been generally enforced. Inevitably, however, exceptions to the rule have had to be authorized, with the result that difficulties and problems similar to those referred to in paragraphs 9 and 10 above have arisen. These problems, moreover, have tended to be aggravated by the divergencies which have existed and continue to exist with respect to travel standards as applied by the different organizations within the United Nations family, as well as between United Nations practices, on the one hand, and those of many—if not most—Member States, on the other.

19. The question of staff travel standards has concurrently been under review by ICSAB and by ACC in connexion with their consideration of the divergencies in the application of a common system of administrative policies and practices. ICSAB, at its fourteenth session held in New York in the summer of 1966 completed the review which had been initiated in 1965 at its thirteenth session. Its final report on standards of air-travel accommodation in the international civil service, together with its conclusions and recommendations thereon, is attached as annex II for the General Assembly's information.

20. The ACC, after having given careful consideration to the Board's report, agreed at its meeting in New York on 12 and 13 October 1966 on the following statement of policy:

“The importance of developing common standards of travel accommodation and other conditions of service has often been stressed in the General Assembly. The question of common standards for travel was under review by ICSAB before the General

⁶⁴ *Ibid.*

Assembly passed certain resolutions on the subject of United Nations travel standards in 1965. The Board has now reported on the subject.

"As the Board records, ACC expressed its conviction that the appropriate criterion for the International Civil Service, in this as in other matters, was the standard applied by national Governments to officials of comparable rank and responsibilities. More specifically, ACC said that on the basis of 1963 data there appeared to be a case for providing first-class travel for level D-1 and above. Additional 1966 data,⁵ however, cast doubt on the position of level D-1.

⁵In 1963, 39 States members of ICAO, out of 42 surveyed, allowed first-class travel to Ambassadors on transatlantic or longer journeys; 28 out of 42 allowed the same standard to Counsellors; 19 out of 42 applied the standard to First Secretaries. In 1966, 33 out of 35 States which provided information applied first class to Ambassadors, but only 16 of them also applied first class to Counsellors. Only 2 of the 35 States required the whole of their career service staff to travel by economy class.

"ACC has given careful consideration to the Board's report. It reaffirms its view that the criterion of national practice should be applied. Having regard to the 1966 data it believes that the line between first class and economy class should be drawn between levels D-1 and D-2. In other words, air travel accommodation for all staff at the D-2 Director level and above should be first class, except that for flights of short duration within Europe, and comparable flights elsewhere, economy class should be used wherever feasible. The ACC is confident that the implementation of this recommendation would permit uniform practice among all of the organizations."

21. The Secretary-General, in his capacity as chief administrative officer of the United Nations, fully shares the views unanimously expressed by his colleagues in ACC. He does not consider the ACC proposals as an alternative to, or substitute for, ICSAB's conclusions, but rather as a refinement thereof, involving a slightly different approach with respect to the policy and procedure suggested in paragraph 140 of the ICSAB report. Subject only to this reservation, in the case of staff at the Under-Secretary and D-2 level, he, for his part, finds the suggestions of ICSAB both reasonable and acceptable.

22. The Secretary-General believes, furthermore, that in the last analysis it becomes unprofitable, in seeking to establish an appropriate set of uniform standards, to place too much emphasis on factors which are at times conflicting. A valid case can, however, be made for a comparison with national standards at least in so far as an executive head and his most senior colleagues are concerned. As regards the United Nations, duty travel by Under-Secretaries and, for the most part, by Directors, is normally undertaken in their capacity as representatives of the Secretary-General. Any general rule based on this assumption would have the advantage of lending itself to uncomplicated and reasonably economical implementation. In the light of the decision taken by the General Assembly the Secretary-General has taken a very restricted view in exercising the discretion he reserved to himself in these matters. This has, in his opinion, caused administrative preoccupations which have been out of all proportion to the economies achieved. Thus, should the General Assembly, on reconsideration, decide that as a general rule Under-

Secretaries and Directors should be permitted to travel by first class on official business, the additional expenditure that might be incurred under the relevant sections of the budget estimates for 1967 would be of the order of \$20,000 only.

23. Whatever weight be given to these considerations, the Secretary-General believes that it is of overriding importance that a system be evolved which would be assured of general acceptance and uniform application within the family of organizations. The ACC, in the light of the ICSAB report, has proposed a set of standards which would meet these requirements. As such, the Secretary-General commends them for the General Assembly's favourable consideration.

24. Should the General Assembly decide to accept the various suggestions put forward by the Secretary-General in this report, the additional appropriations which would be required for 1967 would be the following:

	<i>United States dollars</i>
Section 1. Travel and other expenses of representatives, members of commissions, committees and other subsidiary bodies	52,200
Section 5. Travel of staff	20,000
TOTAL	<u>72,200</u>

Additional expenditures would also arise under a number of other sections of the budget, including section 16 (Special missions), section 20 (United Nations Conference on Trade and Development) and the proposed new section relating to the requirements of UNIDO. As these needs would be of a marginal nature, they could be met within the level of resources already requested for 1967.

ANNEX I

Membership of organs and subsidiary organs of the United Nations

<i>Body</i>	<i>Number of members</i>
Advisory Committee on Administrative and Budgetary Questions	12
Committee on Contributions	10
United Nations Administrative Tribunal	7
United Nations Joint Staff Pension Board	6
United Nations Scientific Committee on the Effects of Atomic Radiation	15
United Nations Scientific Advisory Committee	7
International Law Commission	25
Sub-Commission on Prevention of Discrimination and Protection of Minorities	18
Permanent Central Narcotics Board	8
Drug Supervisory Body	4
Advisory Committee on Science and Technology	18
Regional groups	9
Functional groups	15
Investments Committee	6
International Civil Service Advisory Board	11
Expert Committee on Post Adjustments	5
Committee of Actuaries	3
Board of Auditors*	3
TOTAL	<u>182</u>

* Omitted in the mimeographed version of the document.

ANNEX II

**Extract from International Civil Service Advisory Board:
Report of the Fourteenth Session of the Board^a**SECTION V. STANDARDS OF AIR TRAVEL ACCOMMODATION IN
THE INTERNATIONAL CIVIL SERVICEA. *Current status of the problem*

125. The Board had occasion to review the question of air-travel accommodation at its thirteenth session in 1965 in connexion with its consideration of divergencies in the application of the common system. In its report on the subject (ICSAB/XIII/2),^b the Board noted that the organizations had been unable reach agreement on travel standards for all grades. Since the Board considered that his particular area represented one where uniformity is both desirable and practical, the following comment was included in the Board's report:

"It seems to the Board that there should be no obstacle to uniformity in this field. Staff members of different organizations are increasingly called upon to travel together on joint projects. Discrepancies in accommodation standards are not only difficult to justify, they also create morale problems which could easily be avoided and to which the representatives of FICSA called attention.

"The Board hopes that the organizations will pursue their efforts towards more uniformity in this field and that they might be in a position to show, at the next session, that good progress had been achieved in that direction."

126. At the twentieth session of the United Nations General Assembly, in the latter part of 1965, the question of standards of travel accommodations arose in connexion with consideration by the General Assembly of a report by the Advisory Committee on Administrative and Budgetary Questions (A/5807,^c paragraphs 55-62). This reiterated an earlier recommendation of the Committee concerning the establishment of a ceiling for the reimbursement of travel expenses of representatives, members of commissions, committees and other subsidiary bodies of the United Nations. In summary, the opinion was expressed that reimbursement in respect of representatives' travel costs should be limited to economy-class fare. The Committee indicated that its main concern was with the amount of reimbursement payable.

127. Having approved the proposal to limit reimbursement for representatives to the economy-class level, the Assembly considered the position with respect to travel of staff. On the basis of a recommendation by its Fifth Committee, the General Assembly decided that all staff should henceforth travel economy class "with the exception of the Secretary-General and officers who accompany him and whom he shall appoint" (report of the Fifth Committee: A/6223).^d The Secretary-General formally reserved his position on the matter since, under the Staff Regulations, he is given the responsibility for determining the conditions for staff travel. He took steps early in 1966 to establish economy class (with baggage entitlement equivalent to first class) as the normal standard for all Secretariat travel, specifying only that certain travel may be authorized at a higher standard when it is considered in the best interests of the Organization.

B. *Present position of the organizations*

128. Even prior to the development cited above there was no uniformity of practice as between organizations, as noted in the Board's report in ICSAB/XIII/2. The only common denominator appeared to be that executive heads generally received first-class entitlements. Conditions varied considerably for all other ranks. There were also variations with regard to differentiation in accommodation for longer flights versus shorter flights, and again for travel on official business versus travel on home leave. The different organizations had also adopted varying practices concerning permissive days of rest during or immediately following long flights undertaken in economy-class accommodations.

^a Document ICSAB/XVI/1, dated 15 July 1966.

^b Mimeographed, dated 26 May 1965.

^c *Official Records of the General Assembly, Nineteenth Session, Supplement No. 7.*

^d *Ibid.*, Twentieth Session, Annexes, agenda item 76.

129. The Board understands that, in the United Nations, in practice virtually all staff below the rank of Under-Secretary now travel economy class, and that Under-Secretaries also utilize this level of accommodation in cases where it is considered that the best interests of the Organization do not require a higher standard.

130. Details of the considerable differences in the standards of air travel as between organizations, for both duty and home-leave travel, are set out in annex II.

131. In 1963, the organization had agreed to a general statement of policy, as follows:

"... in establishing travel accommodation standards for international officials, regard should be had to the standards prevailing for national officials, of comparable rank and responsibilities. ... National practices, however, varied, and data which ICAO had obtained from forty-two countries showed that there was 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 about the P-5 level.

"As regards travel by air on official business, at least, there was general agreement that first class should apply to the Director and Principal Officer category and above. Subject to easements for flights of long duration, a majority also agreed that staff at P-4 and below should travel in tourist class."

132. At its present session the Board received indications from the organizations that they continue to believe that the criteria set out above are sound, although there may be difficulties in making appropriate comparisons with national services and in interpreting available data with respect to the current position.

C. *National practices*

133. In order to ascertain whether changes in national practice had occurred since 1963, ICAO recently made further inquiries of the 46 Member States from whom information was sought three years ago. So far 35 States have provided up-to-date information. For a clear majority of First Secretaries and below in foreign service ranks, economy class is regarded as appropriate for official duty travel in 1966, as was the case in 1963. The position is much less definite with respect to Counsellor and above in the foreign services. In 1963 a clear majority were entitled to first-class travel, while in 1966 the 35 replies indicate first-class accommodation in 16 cases and economy class in 19. Although the Board has had occasion to note frequently that comparisons between national government services and the international civil service are difficult and sometimes perplexing, it would seem appropriate in connexion with consideration of travel standards to consider First Secretaries as being broadly equated to the highest level of the Professional category, and Counsellors to Principal Officer and Director category.

D. *Financial implications*

134. The Board was given an approximate indication of the financial effect of limiting first-class travel at various levels. In the case of the United Nations the cost of restoring first-class entitlement would be about:

To Under-Secretaries	\$ 9,000 a year
To Under-Secretaries and officers of grade D-2 and D-1	32,000 a year
To Under-Secretaries and officers of grade D.2 and D.1	32,000 a year

UNESCO has temporarily required officers of grades D-1 and D-2 to travel economy class for journeys of less than nine hours. The cost of restoring entitlement to first-class travel for all journeys on official duty would be:

For officers in grade D-2	\$ 5,000 a year
For officers in grades D-2 and D-1	11,000 a year

In the case of the ILO, FAO, WHO and ITU combined, the following approximate savings would result if the existing entitlement were restricted:

To officers above the rank of D-1	15,000 ^{\$} a year
To officers above the rank of D-2	50,000 a year
To officers above the rank of Assistant Director-General, i.e., Under-Secretary	80,000 a year

135. The figures given in the preceding paragraph relate to duty travel only. There would also be savings in those cases where officers entitled to travel first class on duty are also allowed that class of travel in the case of home leave.

E. *The issue before the Board*

136. The issue before the Board is a difficult one. Different conclusions can be reached according to the approach to the problem. The Board has had to give much weight to the decision of the General Assembly that, in the light of the financial position of the United Nations, economies in travel standards were called for. At the same time, the agencies expressed the view that an over-restrictive approach would be harmful. They stressed that to require all officials below the Executive Head in all circumstances to travel economy class would not be in the best interests of the work of the Organization and would impose an unreasonable strain on individuals.

137. There was general agreement that in the case of short flights economy class was appropriate. The real issue turned on flights of longer duration. Such flights can be divided into two main groups: first, those comparable in duration to a normal trans-Atlantic flight, and secondly, those of even longer duration. It was emphasized to the Board that long flights were a strain and that most senior officials would find it difficult to take advantage of a provision that they could take a day's rest before commencing duty.

F. *Recommendations of the Board*

138. As indicated above, the appropriate class of air travel is an issue to which it is difficult to give an exact or precise answer. Much turns on the emphasis placed on factors which at times are conflicting.

139. Broadly, however, the Board would suggest:

(1) In the case of short flights economy class (with first-class baggage entitlement) is appropriate for all officers below Executive Head;

(2) A similar entitlement is normally appropriate for all home-leave flights.

140. There remains the question of long flights, particularly those of more than eight hours' duration. The Board considers that the general rule should be economy class. The Executive Head should, however, have discretion to allow first class in any case where, in his view, the special circumstances warrant such a course. The Board has in mind factors which bear directly on the work and the staff member's performance of it. These factors or conditions would include especially demanding and lengthy itineraries, uncertain state of health or handicapped physical condition, accompaniment of an executive head as a member of his personal party, designation as a special or personal representative of an executive head, and special urgency of travel when economy-class space is not available.

141. One member of the Board expressed the opinion that the right of the Executive Head of an organization to authorize first-class air travel should extend only to staff accompanying him, at his discretion, as was recommended by the United Nations General Assembly at its twentieth session.

142. The Board believes that it should be for the organizations to study the question of rest days during and following long flights in light of the recommendations set out above. The Board hopes that a consensus covering this aspect can be reached with relative ease, but it will be prepared to consider the matter at its fifteenth session if necessary.

G. *Future review*

143. Any arrangement reached should be regarded as an interim one to be reviewed in about four years' time. It is difficult to forecast what may be the general practice or what may be the facilities provided by the international air lines.

DOCUMENT A/6502

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[8 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/C.5/1074) relating to the decisions taken by the General Assembly at its twentieth session as to the standards which shall apply in respect of the payment of travel costs of members of organs and subsidiary organs of the United Nations, where applicable, and of members of the Secretariat and their dependants.

2. Under the terms of its resolution 2128 (XX), of 21 December 1965, the General Assembly decided that payment of travel expenses to members of organs and subsidiary organs shall, in all cases, be limited to the cost of economy-class accommodation by air or equivalent accommodation by recognized public transport via a direct route. As a corollary the Fifth Committee decided at its 1073rd meeting that the standard of economy class shall apply in the case of all members of the Secretariat with the exception of the Secretary-General and officers who accompany him and whom he shall appoint.⁶⁵

3. The Secretary-General, in submitting his report, refers to the difficulties encountered in 1966 in imple-

menting the Assembly's decision. In paragraphs 9 and 10 he notes that members of organs or subsidiary organs often serve without remuneration and explains why he feels that the Organization has an obligation to extend to them at least the courtesy of first-class travel accommodation, taking particularly into account the important role which the bodies in question are called upon to play in the formulation, direction and control of United Nations activities and the measure of assistance and expertise voluntarily contributed.

4. As regards members of organs and subsidiary organs serving as representatives of Governments, who are also entitled to have their travel costs reimbursed under the provisions of General Assembly resolutions 1798 (XVII) and 2128 (XX), the Advisory Committee is informed that Member States have not brought forward any difficulties that they might have encountered. The Secretary-General advises, however, that the new rule has posed a problem for some Governments and, considering that the United Nations contributes only towards the cost of attendance at sessions of the General Assembly, he suggests that reconsideration might be given to providing for the reimbursement, on a first-class basis, of the travel costs of at least one representative of each Member State for at-

⁶⁵ See foot-note 63.

tendance at regular sessions of the General Assembly, and at special or emergency sessions.

5. The Advisory Committee has taken note of the situation described by the Secretary-General in paragraphs 9 to 13 of his report and the reasons advanced for modification of the policy to permit reinstatement of first-class travel entitlements for all members serving in their individual, personal or expert capacity, and also for the reimbursement of such travel expenses at the first-class standard of one representative of each Member State attending regular, special or emergency sessions of the General Assembly. While not objecting to the Secretary-General's proposals, the Advisory Committee recommends nevertheless that the total increased provision of \$52,200 under section 1 for 1967, be reduced by \$5,200 to \$47,000, as it understands that not all Member States exercise their full entitlement for the reimbursement of travel expenses.

TRAVEL OF UNITED NATIONS STAFF

6. In its main report on the budget estimates for 1966, submitted to the General Assembly at its twentieth session,⁶⁸ the Advisory Committee recommended that economy/tourist travel standards should be extended to all members of the Secretariat with the exception of the Secretary-General and additionally that he should be entitled to exercise discretion for travel at the higher level of other staff if, in his judgement, such travel was in the best interests of the United Nations. The Fifth Committee took a more restricted view and concluded that economy-class travel would apply to all members of the Secretariat with the exception of the Secretary-General and officers who accompany him and whom he shall appoint. At the 1408th plenary meeting, on 21 December 1965, the Secretary-General, in noting this conclusion, stated that he deemed it essential as the chief administrative officer of the Organization to retain the discretionary authority, accorded to him in terms of staff regulation 7.1, to make such arrangements as are in his judgement in the best interests of the United Nations.

7. The Advisory Committee understands that the Secretary-General is faced with certain problems in implementing fully the Fifth Committee's decision (see 1072nd meeting) and that he has found it necessary to exercise, on a very limited basis, the discretionary authority referred to in the preceding paragraph.

8. During the current year the question of staff travel standards has been the subject of further review by ICSAB and ACC in connexion with their consideration of divergencies in the application of a common system of administrative practices by the family of international organizations. In paragraph 138 of its report (see A/C.5/1074, annex II) ICSAB noted, *inter alia*, that the appropriate class of air travel is a question to which it is difficult to give a precise answer and that much depended on the emphasis placed on factors which at times were conflicting. Broadly, however, ICSAB suggested that in the case of short flights, economy class is appropriate for all officers below the level of Executive Head. As regards long flights, particularly those of more than eight hours' duration, ICSAB considered that the general rule should be economy class, but that the Executive Head should have discretion to allow

first class in any case where in his view the special circumstances warranted such a course.

9. Having studied the ICSAB report, ACC recommended that air-travel accommodation for all staff at the Director (D-2) level and above should be first class, except that economy class should be used wherever feasible for flights of short duration within Europe and comparable flights elsewhere. The Secretary-General states that he fully shares the views unanimously expressed by ACC and, subject to the above reservation, finds the suggestions of ICSAB both reasonable and acceptable.

10. The Advisory Committee would have preferred that any proposal for reconsideration of official travel at the higher first-class standard regarded essential as an entitlement by the Secretary-General, should be confined to officers at the Under-Secretary or equivalent rank. The Secretary-General could then have been given discretionary authority for first-class travel on official business of staff at the D-2 level and, in very exceptional cases, at other levels. Within this discretionary power, the Secretary-General would be authorized to grant first-class travel by air when, in his judgement, the length, duration or nature of a given journey warranted travel at the higher level and was in the best interests of the United Nations.

11. The Advisory Committee is concerned, however, that such matters receive general acceptance and uniform application within the United Nations common system. In this connexion, the Committee notes that ACC has arrived at unanimous proposals which it believes will receive the approval of member organizations. While these proposals are somewhat more liberal than the present rules within the United Nations, they will prove more restrictive in a number of the specialized agencies. The Committee, therefore, in the interests of interagency co-ordination and in order to ensure uniformity of practice for the entire family of United Nations organizations, has no objection to the proposal commended by the Secretary-General for consideration by the General Assembly.

12. As regards application of the entitlement at the higher first-class standard by air for Under-Secretaries and staff at the D-2 level, the Advisory Committee is confident that the Secretary-General will exercise his judgement and only authorize travel at that level when the particular circumstances of the journey demand the higher entitlement. In any event the Committee would expect the Secretary-General to exercise the strictest controls in expenditure of funds appropriated for these purposes, and accordingly recommends a reduction of \$12,000 in the additional amount of \$20,000 requested by the Secretary-General under the relevant sections of the 1967 estimates. The Advisory Committee notes that the additional expenditures arising in other sections of the budget, including section 16 (Special missions), section 20 (UNCTAD) and new section 21 (UNIDO), would be of a marginal nature and could be met within the level of resources already requested for 1967.

13. While the present report relates primarily to official travel standards, i.e., duty travel, the Advisory Committee would draw attention to one other area, namely home-leave travel, for which it has not been possible to obtain agreed standards and uniformity of practice among the family of organizations. In this connexion, the Advisory Committee suggests that ICSAB

⁶⁸ Official Records of the General Assembly, Twentieth Session, Supplement No. 7, para. 216.

and the Secretary-General and his colleagues on ACC keep this matter under review in the hope of achieving full uniformity of practice by all organizations in the common system. Should the General Assembly accept the suggestions put forward by the Secretary-General and approve the Advisory Committee's recommendations related thereto, the additional appropriations required for 1967 would be as follows:

	<i>United States dollars</i>
Section 1. Travel and other expenses of representatives, members of commissions, committees and other subsidiary bodies	47,000
Section 5. Travel of staff	8,000
	TOTAL 55,000

Sections 3 and 12 and income section 5

Programme of assistance and exchange in the field of international law

DOCUMENT A/C.5/1103

Report of the Secretary-General

[Original text: English]
[9 December 1966]

1. At its 1404th plenary meeting, on 20 December 1965, the General Assembly adopted resolution 2099 (XX), entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law", in which it decided to establish a programme of assistance and exchange in the field of international law. This programme was divided into two parts, the first consisting of steps to encourage and co-ordinate existing international law programmes being carried out by States and others, and the second of various forms of direct assistance and exchange, in particular those for 1967 and 1968 listed in the annex to the resolution. In the same resolution, the General Assembly invited UNESCO to participate in the implementation of the programme, and requested UNITAR to consider the ways in which international law might be given its proper place among the activities of the Institute. In addition, the General Assembly established an Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, composed of ten Member States, to advise the Secretary-General on the implementation of the programme.

2. On the arrangements for financing the programme, paragraphs 3, 4 and 5 of resolution 2099 (XX) provide as follows:

"The General Assembly,

"...

"3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

"4. Requests the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee:

"5: Requests the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make

in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution;"

3. In his report to the Fifth Committee⁶⁷ on the financial implications of the draft resolution submitted by the Sixth Committee which became resolution 2099 (XX), of the General Assembly, the Secretary-General took note of the provisions quoted above to the effect that all requirements for the programme for 1967 and future years which could not be met from voluntary contributions would have to be provided for under the regular budget. The Secretary-General added that account would also be taken of the availability of any resources which UNESCO, EPTA (United Nations Development Programme), or UNITAR could earmark for the financing of specific components of the programme. Accordingly, the Secretary-General proposed that, in submitting the initial budget estimates for 1967 to the Advisory Committee on Administrative and Budgetary Questions, he would include, on a provisional basis, the total costs for the 1967 portion of the programme, estimated at some \$210,000, subject to downward revision depending on the outcome of his appeal for voluntary contributions. In September 1966, the Secretary-General would submit revised estimates, limiting his final budget request to those items set forth in the annex for which no assured voluntary financing had been found.

4. The Advisory Committee on Administrative and Budgetary Questions reviewed the procedure which the Secretary-General proposed to follow. In its report on the financial implications of the Sixth Committee's draft resolution, it declared:

"7. It is the view of the Advisory Committee that, consistent with the intent of the draft resolution, the Secretary-General should first explore fully the possibility of financing the programme in question from voluntary contributions and through the use of UNESCO, EPTA (United Nations Development Programme) and UNITAR resources before a provision therefor is included in the regular budget estimates. The Committee will await the report of the Secretary-General in the twenty-first session of the General Assembly on his endeavours to secure⁶⁸ fi-

⁶⁷ *Ibid.*, *Twentieth Session, Annexes*, agenda item 89, document A/C.5/1044.

⁶⁸ *Ibid.*, document A/6157, para. 7.

nancing before presenting its considered view of this matter."

5. In accordance with this procedure, which was endorsed by the Fifth Committee,⁶⁹ the Secretary-General made no provision for the programme in his initial 1967 estimates. During 1966 the Secretary-General made considerable efforts, described *in extenso* in paragraphs 62 to 72 of his report on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law (A/6492⁷⁰⁻⁷¹), to secure alternate sources of financing for the programme; and reported thereon to the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law. That Committee's recommendations to the Secretary-General are recorded in paragraph 74 of the aforementioned report.

6. In accordance with these recommendations and in the light of developments since the issuance of his report, the Secretary-General can now summarize the results of his efforts to find alternate sources of financing as follows:

(a) In response to the Secretary-General's request to Member States for voluntary contributions, pledges totalling \$4,883 have been made to date, of which \$4,679 has been paid.

(b) In addition to its own activities in the field of international law, UNESCO has agreed to join with the United Nations in the organization and implementation of the regional training and refresher course to be held in 1967, for which the Government of the United Republic of Tanzania has offered to provide facilities. The costs of this course, now estimated at \$40,000, are to be met by equal financial participation of the United Nations and UNESCO. As recommended by the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, the United Nations share of the costs would be met in the first instance by use of voluntary contributions received.

(c) As part of its series of studies in the field of international law, UNITAR has offered to undertake in 1967 a survey relating to the codification and progressive development of international law. The costs to the United Nations of such a survey, which had been estimated at \$20,000 for 1967 and \$25,500 for 1968, would be reduced to \$15,000 in 1967, representing a lump-sum contribution to UNITAR towards the total costs of the survey. These arrangements were endorsed by the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law. UNITAR has also proposed to hold a regional seminar in Latin America in 1968, as envisaged in the annex to resolution 2099 (XX), thereby relieving the United Nations of the responsibility to finance this seminar.

(d) The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law has recommended that the advisory services of experts, as envisaged in the annex to resolution 2099 (XX) and formerly estimated at \$67,500 for 1967 and \$112,500 for 1968, be provided by recourse, as developing countries may request, to existing technical assistance funds.

Specific additional financial provision for this purpose would therefore not be necessary.

(e) In view of the co-operation of UNESCO and UNITAR in the implementation of the programme, additional staff requirements for the Office of Legal Affairs can be limited to one secretary to help meet the clerical burden falling on that office in connexion with its responsibilities for the programme.

7. In the light of the foregoing considerations, the costs of that part of the programme set out in the annex to resolution 2099 (XX) for which no extra-budgetary means of financing has been found, are estimated as follows:

1967		<i>United States dollars</i>
Regional training and refresher course with UNESCO		15,300 ^a
10 fellowships		36,000
Subvention to UNITAR to assist in the preparation of a survey relating to the codification and progressive development of international law ..		15,000
Shipping of a set of United Nations legal publications to 15 institutions in developing countries ..		2,100
Clerical assistance in the Office of Legal Affairs ..		5,000
	TOTAL	73,400

In addition, the provision of a set of United Nations legal publications to some 15 institutions in developing countries would entail a loss of potential sales revenue of some \$3,100.

1968		<i>United States dollars</i>
15 fellowships		54,000
Shipping of a set of United Nations legal publications to 20 institutions in developing countries ..		2,800
Clerical assistance in the Office of Legal Affairs ..		5,000
	TOTAL	61,800

In addition, the provision of a set of United Nations legal publications to a further 20 institutions in developing countries would entail a loss of potential sales revenue of approximately \$4,100.

^a Representing the United Nations share of \$20,000, taking into account voluntary contributions received to date.

8. With respect to the impact of these estimates on the United Nations budget for 1967, the Secretary-General would undertake to meet the costs of shipping the sets of United Nations legal publications (\$2,100) from within the provision requested in his initial budget estimates for section 10. Provision in full is therefore required for the balance of \$71,300 for which the Secretary-General hereby requests additional appropriations for 1967 as follows:

		<i>United States dollars</i>
Section 3. Salaries and wages		
Chapter III. Other temporary assistance		5,000
Section 12. Special expenses		
New chapter		66,300
	TOTAL	71,300

The General Assembly might wish to take note that there may be a shortfall of \$3,100 in revenue from sales of publications under income section 5.

9. Provision to cover the costs of the programme in 1968 would be included in the initial budget estimates for that year.

⁶⁹ *Ibid.*, document A/6175/Rev.1.

⁷⁰⁻⁷¹ *Ibid.*, *Twenty-first Session, Annexes*, agenda item 86.

DOCUMENT A/6582

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[13 December 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the Secretary-General's report (A/C.5/1103) containing his proposals for revisions to the initial budget estimates for 1967 relating to the implementation of General Assembly resolution 2099 (XX), of 20 December 1965, together with the report of the Secretary-General on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law (A/6492⁷²).

2. It will be recalled that under the terms of the above resolution the General Assembly decided to establish a programme of assistance and exchange in the field of international law consisting of the organization of seminars, training and refresher courses, the provision of fellowships, advisory services of experts, legal publications and libraries, and translations of major legal works. The costs of the programme planned for 1967 and 1968 shown in the annex to the resolution were estimated at that time by the Secretary-General⁷³ at some \$210,000 in 1967 and \$270,000 to \$280,000 in 1968.

3. In its related report⁷⁴ the Advisory Committee expressed its views on the financing of this programme and suggested, *inter alia*, that the Secretary-General should first explore fully the possibility of financing the programme in question from voluntary contributions and through the use of the resources of UNESCO, EPTA (United Nations Development Programme) and UNITAR before making any provision therefor in the regular budget estimates.

4. In paragraphs 5 and 6 of his report (A/C.5/1103) the Secretary-General has summarized the results of his efforts to find alternative sources of financing for the programme: voluntary contributions in the amount of some \$4,600, have been received and, in addition, UNESCO and UNITAR have agreed to participate in the organization, implementation and

financing of the programme. As to the possibility of financing activities from funds available for technical assistance programmes, the Secretary-General reports that "Member States may only request assistance with respect to international law which satisfies the criteria spelt out in paragraph 10 of General Assembly resolution 2099 (XX)" (A/6492, para. 70).

5. The Secretary-General now proposes that of the estimated costs of the programme for 1967—\$73,400—an amount of \$2,100 should be met from within the existing appropriation in section 10 (General expenses) of the budget estimates and that the remaining \$71,300 should be provided as an additional appropriation for 1967—\$5,000 under section 3 (Salaries and wages) and \$66,300 under section 12 (Special expenses)—and that an amount of \$61,800 be included in the initial estimates for 1968.

6. The Advisory Committee appreciates the efforts made and the work done by the Secretary-General in co-ordinating existing international law programmes of States, organizations and institutions. The Committee reiterates its hope that the Secretary-General will continue to press for voluntary contributions, thereby minimizing charges to the regular budget. The Committee does not believe that these efforts have been exhausted, in view of the fact that only some \$4,600 has been secured so far.

7. The Advisory Committee has also noted that the staff requirements for the Legal Office have been reduced from the original request for 2 Professional and 2 General Service posts to a provision for \$5,000 related to clerical assistance. It believes that this moderate amount can be met from the existing resources in section 3.

8. In the light of these observations the Advisory Committee recommends a reduction in the additional appropriations requested by the Secretary-General from \$71,300 to \$66,300. Should the General Assembly approve the Committee's recommendations, the estimates under section 12 would require to be increased by \$66,300.

⁷² See foot-note 70-71.

⁷³ See foot-note 67.

⁷⁴ See foot-note 68.

Section 7

Extension of the conference facilities at the Palais des Nations at Geneva

DOCUMENT A/C.5/1054

Interim report of the Secretary-General

[Original text: English]
[26 July 1966]

INTRODUCTION

1. For several years, the adequacy of conference and related facilities in the Palais des Nations at Geneva has been under active review by the Secretary-General, the Advisory Committee on Administrative and Budgetary Questions and the General Assembly. A number of reports—reports of the Secretary-General (A/

C.5/982,⁷⁵ A/C.5/1009,⁷⁶ A/C.5/1040⁷⁶) and the Advisory Committee (A/5709,⁷⁷ A/5799,⁷⁶ A/6137⁷⁶)—recommending broadly conceived measures for meeting

⁷⁵ See *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 58.

⁷⁶ *Ibid.*, *Twentieth Session, Annexes*, agenda item 76.

⁷⁷ Mimeographed.

the expanding conference needs of the various users of the Palais have been the subject of consideration and decision. In December 1965, the General Assembly, at its 1408th plenary meeting, approved a programme of maintenance and improvement for the period 1966-1974, subject to annual review by the Assembly.⁷⁸ The object of this programme was to ensure optimum use of the space available in the Palais, and, in presenting the programme, the Secretary-General observed that on its completion the limits imposed by the structure and layout of the building would preclude any further progress in this direction.

2. By 1965 it was quite clear that the level of activities at the Palais would increase substantially in subsequent years, making a fresh assessment of the total resources a matter of urgency. As a consequence, acting upon a recommendation of the Advisory Committee, the General Assembly decided at its twentieth session that the Secretary-General should proceed with the necessary architectural and engineering studies with a view to presenting to the Advisory Committee not later than May 1966 plans and estimates of cost for the reconstruction of additional conference facilities at the Palais.

3. In accordance with the General Assembly decision, the Secretary-General has been exploring with a group of architects the various ways in which the problem of adding to the available conference area could be solved. Throughout this year his representatives have been in close touch with Mr. Eugène Beaudouin, the Director of the Geneva School of Architecture, who has been assisted in the work of planning by Messrs. François Bouvier, André and Francis Gaillard and Arthur Lozeron.

4. Throughout the discussions and consultations about the proposed enlargement of the Palais, the Secretary-General has never lost sight of the fact that the building is an architectural composition of great simplicity and grandeur, placed in a setting of unparalleled natural beauty. He recognizes that any additions which are made necessary by the increasing importance of the Palais as an international centre must do nothing to destroy the existing architectural harmony. In all measures relating to the maintenance and preservation of the Palais, the Secretary-General has continued to take the advice and guidance of a committee of distinguished architects, among whom is included one of those responsible for the original design. This committee was originally established in 1957, when the need for a substantial adaptation of the internal resources of the Palais had become urgent, and its members have therefore been consulted on the various enlargement and maintenance programmes undertaken in the last years. The Committee of Architects is composed of the Director-General of the United Nations Office at Geneva, the President of the Department of Public Works of Geneva, the President of the Geneva School of Architecture and three eminent architects, Mr. Eugène Beaudouin, Member of the Institut de France and Director of the Geneva School of Architecture, Mr. Carlo Broggi, the only surviving member of the five architects who originally planned the Palais, and Mr. Jacques Carlu, Member of the Institut de France. Recently the Secretary-General has added new names to this advisory group, which now

includes Mr. Pier Luigi Nervi of Italy, and Sir Basil Spence of the United Kingdom. As soon as broad agreement on plans and proposals has been reached by the Advisory Committee on Administrative and Budgetary Questions, these will be the subject of a careful scrutiny by the Committee of Architects. The Secretary-General is confident that a Committee of this distinction will be a sufficient guarantee that all additions and changes will be made in harmony with the existing structure and that nothing will be done to impair its architectural unity.

5. In the spring of 1964 the Advisory Committee held a session at Geneva, during which it carried out an on-the-spot inspection, and held consultations with the executive heads of those specialized agencies based in Geneva which make extensive use of the meeting facilities of the Palais. The Committee, as a result of its investigations, concluded (A/5709, para. 61) that the existing facilities for major conferences were no longer adequate to meet the increasing demands of the United Nations and the specialized agencies; however, without more precise indications regarding future trends in the over-all programme of conferences in Geneva, the Committee felt it premature to recommend the construction of the four new conference rooms proposed by the Secretary-General, together with offices and space for ancillary services.

6. Subsequently, the Secretary-General informed the General Assembly at its twentieth session in 1965, that developments since 1964 and in particular the decision to establish the headquarters of UNCTAD at Geneva, had removed the element of uncertainty which had led the Advisory Committee to the conclusion noted above. He requested, therefore, that in the light of the increased activity foreseen for 1966 and ensuing years, he be authorized to proceed immediately with the necessary architectural and engineering studies. He would thus be able to place preliminary plans and cost estimates before the Advisory Committee in the middle of 1966, and, subject to prior concurrence by the Committee, proceed to the task of finalizing plans and cost estimates for submission to the Assembly at its twenty-first session (see A/6137, para. 23). This proposal was approved by the General Assembly.

PART I. CONFERENCE PATTERN IN THE PALAIS DES NATIONS AND AT GENEVA

7. The growth of activities in the Palais between 1960 and 1965⁷⁹ is illustrated by the following statistical tables:

A. ANNUAL NUMBER OF CONFERENCES AND MEETINGS, AND OF PARTICIPANTS

Year	Number of meetings	Number of participants	
		Representatives	Secretariat
1960	2,735	10,251	1,455
1961	2,945	12,400	1,663
1962	3,247	13,160	1,840
1963	3,645	15,970	2,064
1964	4,223	15,328	1,927
1965	4,052	14,193	1,915

⁷⁸ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 76, document A/6223, para. 39.

⁷⁹ Similar information going back to 1954 was provided in document A/5709.

B. MONTHLY PATTERN OF MEETINGS DURING THE SAME PERIOD

Year	Jan.	Feb.	March	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1960	182	119	199	213	284	583	227	120	224	238	217	129
1961	86	113	246	238	214	625	235	210	232	319	251	176
1962	158	234	242	210	347	671	315	164	221	282	268	135
1963	134	281	253	331	376	701	350	119	232	473	164	231
1964	196	190	330	466	537	763	479	194	377	293	251	147
1965	139	130	231	172	323	603	442	329	506	495	356	326

8. It would seem appropriate at this juncture to recall certain changes which have taken place in the form and layout of conferences during the last few years. A large conference now requires the simultaneous use of more rooms than hitherto. The tendency has been to increase the number and size of committees, working groups and regional groups which have to meet at the same time. During the 1965 session of the International Labour Conference, the average number of conference rooms occupied simultaneously by the session was 9 rooms with interpretation facilities and 3 rooms without such facilities. In addition, the numbers of States Members of the United Nations and also members of the agencies have increased. In consequence, there are more delegations attending all meetings and these delegations in turn contain more members. At the same time, the number of observers, both governmental and from inter-governmental and non-governmental agencies, have tended to increase. Thus, in the case of the ILO the number of participants attending the Annual Conference rose from 970 delegates and other participants and 490 secretariat members in 1960, to 1,050 delegates and other participants and 650 secretariat members in 1965. A corresponding increase occurred in WHO: 1,017 representatives, experts and observers having attended the WHO Assembly of 1960 as compared with 1,866 in 1965. Existing conference and committee rooms are not large enough to provide reasonable facilities for these increased numbers.

9. This pressure on accommodation is not only felt in the conference and committee rooms, it renders crowded and uncomfortable other conference facilities such as the delegates' lounge, the restaurant, the bar and the cafeteria. All these services are now unequal to the demands made on them, and there is in consequence overcrowding, delay and inconvenience. These disadvantages were first encountered a few years ago, when the scale and character of conferences began to change and assume the larger proportions with which we have now become familiar. There is no likelihood of escape from these problems, which will inevitably press more heavily on the available resources with the passage of each year.

10. There is no doubt also that the area in the Palais at present allocated to the press has become overcrowded. Representatives of cinema, radio and television have increased in numbers and the arrangement for press rooms, studios and offices is quite inadequate to meet present-day needs. Essential ancillary services such as the post office, the telegraph and telephone office, and the bank used by the delegates and secretariat members also need increased space if delay and inconvenience are to be avoided.

11. The new conference pattern has its impact on the secretariat also. More linguistic staff are required—such as interpreters, translators and précis-writers—and the recruitment and accommodation of conference staff must also keep pace with the demands now being

made. In addition, the documents, reproduction and distribution services are strained to the limit. More and more offset work is done to supplement, and in many cases to replace, mimeograph work. The workload of the reproduction services has risen since 1960 as follows:

Year	Page units
1960	91,260,341
1961	100,195,455
1962	165,232,362
1963	151,299,145
1964	240,222,145
1965	162,097,390

This increase reflects an approximate 57 per cent rise in six years. The services reached a peakload of page units in 1964 with 240 million because of UNCTAD, but there is good reason to believe that this production level will be equalled and perhaps surpassed in future years. During the same period the number of documents distributed were:

Year	Number of documents
1960	8,743,261
1961	9,156,431
1962	9,951,757
1963	11,698,587
1964 (including UNCTAD)	21,145,196
1965	12,449,153

It is estimated that the maximum output from the present location of the reproduction shop is 325 million page units a year. First estimates of the 1967 workload show that such an amount may be reached in that year. The expected pattern is:

	Page units
Regular work for the Geneva Office	75,000,000
Regular meetings of UNCTAD	150,000,000
Second session of UNCTAD	80,000,000
Specialized agencies	18,000,000
TOTAL	323,000,000

The upward trend of reproduction work is expected to take the total of page units to over 400 million by 1972. Greater demands are accordingly being made on staffing resources, and the space available for reproduction, distribution, dispatch and storage of documents is reduced below the minimum level of efficiency. To relocate this important sector of conference activities as part of a comprehensive replanning of the building also becomes a question of cardinal importance if congestion and delay are to be avoided.

12. The United Nations has formal obligations to provide conference facilities for ILO and WHO. It will be recalled that at the time of the transfer of the assets of the League of Nations to the United Nations, provision was made for the ILO to use the Assembly Hall, together with the necessary committee rooms, offices and other facilities "... at times and on financial

terms to be agreed from time to time between the United Nations and the International Labour Organisation".⁸⁰ Other Geneva-based agencies hold their conferences and larger meetings at the Palais and this practice is in conformity with the frequently expressed wishes of the General Assembly of the United Nations.

13. The General Assembly has, on repeated occasions, emphasized the importance it attaches to a common system of facilities and services. As Geneva contains the largest concentration of separate agencies, there can be no doubt that the conference facilities of the Palais constitute the focal point for such a system. The increasing popularity of the Palais for conferences large and small has created serious difficulties in establishing firm conference schedules. The increased participation has made the available rooms and seating inadequate, and the office space and ancillary services have become taxed beyond the limit of their capacity.

14. All available facts and figures about the future conference pattern in Geneva confirm the view which has been previously expressed that a programme of building construction designed to provide additional conference facilities must be put in hand in the near future if the Palais is to continue as the principal centre for European meetings of the United Nations, the ILO, WHO and other specialized agencies.

15. For the foregoing reasons, the Palais is no longer able to meet the needs of the United Nations or the agencies using its conference facilities. As a result of the programme of improvements and major maintenance approved by the General Assembly, the maximum use possible is now being made of the 30 years old building. In 1965 the Secretary-General recorded his conviction (A/C.5/1040, para. 23) that the programme of improvement and major maintenance which he then submitted for the approval of the General Assembly would do no more than make the facilities of the Palais marginally adequate for the activities which would not exceed the 1964-1965 level. With the tendency indicated above towards larger, more complex and more frequent meetings and conferences, an additional building programme can no longer be avoided if the Palais is to continue as the main conference centre in Europe.

PART II. EXISTING CONFERENCE FACILITIES IN THE PALAIS DES NATIONS AND AT GENEVA

16. The existing conference facilities offered by the Palais comprise the Assembly Hall, the Council Chamber, 5 large conference rooms, 9 medium-sized rooms and 9 smaller rooms. The enlargement and improvement of the Assembly Hall approved by the General Assembly in 1957—by its resolution 1101 (XI)—formed part of a general programme undertaken during the period 1958-1962 with the object of improving conference facilities in the Palais. In sanctioning this programme of maintenance and improvements, the Assembly had in mind the increasing use of the Palais by large international conferences as well as the changing requirements of the ILO, WHO and other agencies based at Geneva which hold their assemblies in the Palais. The Assembly Hall was accordingly enlarged and rearranged to provide accommodation for 2,003 persons, a modern simultaneous interpretation system was installed, ancillary areas were created, including a vestibule under the Hall, and a foyer. A new air-

conditioning plant was installed. As a result of these improvements the Assembly Hall can now accommodate as many as 120 delegations on the basis of 4 representatives at the table and 4 advisers sitting behind. Special installations would permit this number to be raised to 132. There is seating for 386 in the press galleries and 382 in the public galleries.

17. There are 5 large conference rooms: rooms V, VII, XII, XV and XVI. Rooms XII and XVI can accommodate a maximum of approximately 140 participants seated at the tables, each with one adviser behind. This arrangement does mean, however, that initially no seats are available for the Press or the public. Consequently it is desirable to fix a rather lower maximum. Room XV was designed as a reading room and it is to be found in the library wing. In view of the increasing demands for conference space it is in frequent use as a reserve conference room. Temporary movable interpretation booths are installed on the floor. Plans now being prepared by the Secretary-General envisage an extension of the conference area by the erection of a building at the library end of the Palais. This development would give to room XV a position of greater strategic importance, and should enable more effective use to be made of this room. Conference rooms V and VII can accommodate respectively 108 and 96 participants at the tables, each with one adviser behind, but here again this maximum use leaves very little room for the Press and public. Of these 5 major conference rooms, all except room XV are air-conditioned and all are equipped for simultaneous interpretation. Of the 9 medium-sized conference rooms (rooms I, II, III, VI, VIII, IX, X, XI and XIV), 8 have limited seating capacity and room VI, which is without a gallery, has been arranged for use as a delegates' lounge during conference periods. There are 9 smaller rooms available (rooms IV, H-3, F-3, C-108, A-R, A-662, A-302, C-3 and K-4). Of these, room IV is used as a lounge, and the other rooms seat between 30 and 60 persons and are without interpretation equipment. The existing conference facilities available in the Geneva-based specialized agencies are described in document A/5709. Outside the Palais itself and the headquarters of the various specialized agencies, Geneva possesses a limited number of conference rooms. The "Maison des Congrès" provides one large committee room, which is capable of accommodating 250 to 300 delegates. Some conference facilities are to be found in the hotels recently built in the city. Committee rooms in this latter category have no office accommodation and charge commercial rentals which preclude their use by the United Nations and the agencies.

18. During its session held at Geneva in March 1964, the Advisory Committee made a number of inspections of the precincts of the Palais in order to form a first-hand impression of the total facilities available. The Advisory Committee reached the conclusion that, for major conferences, the facilities of the Palais were inferior to those available at the Headquarters building in New York, where remodelling and enlargement has been completed. The Committee noted that the main Assembly Hall of the Palais, after the enlargement and improvements undertaken in 1960-1962, provided a reasonably high standard of accommodation for plenary meetings, but that the large committee rooms were not in any way comparable as regards accommodation and convenience with the main committee rooms at the United Nations Headquarters.

⁸⁰ See *Official Records of the General Assembly: First part of First Session, League of Nations Committee, Annexes*, document A/18/Add.1.

PART III. PROPOSALS OF THE SECRETARY-GENERAL AND ESTIMATES OF COSTS

19. It is clear that any structural additions to the Palais must be related to the existing organic whole and must enlarge the facilities and services already provided rather than form a separate self-contained entity. Furthermore, because of the length of the building and the nature of the site, the extension plans now under consideration cannot be regarded only as a phase in a series of future extensions. Since the building cannot be extended indefinitely, the new plans must aim at a regrouping of the functions of the Palais while preserving its organic unity. This concept also presupposes the maintenance of the original division of the Palais into two distinct parts, the area primarily devoted to conference activities and the secretariat area.

20. The directions given to the architects working on these plans envisage the housing of all the administrative services proper and all substantive units in the secretariat area of the Palais. The conference area, both old and new, should be designed to accommodate all services and facilities which directly contribute to the running of conferences. This area, in addition to the conference rooms, the delegates' lounge, the bar, the restaurant and the cafeteria, would accommodate the translation, reproduction and distribution services, conference secretariat offices, the Press, radio and television, and the visitors' service.

21. The plans give precedence as far as practicable to the concept of integrated conference services, since the more closely these services can be related the higher will be the degree of efficiency and convenience attained. Because of the diverse nature of the duties undertaken by the various groups of the Secretariat, such as ECE, UNCTAD, the Office of the United Nations High Commissioner for Refugees and the Division of Narcotic Drugs, their functional grouping is not of the same importance. It therefore becomes essential to give preference to the arrangements for conference services so as to accommodate simultaneously two major conferences at Geneva, such as the annual assemblies of the specialized agencies or UNCTAD or any other large conference taking place every year. If used for a single conference, the space and equipment required for two conferences of that size should be adequate for the needs of a very large conference such as the General Assembly of the United Nations.

22. Data on the maximum facilities available and the developing conference pattern in the Palais, as set out in parts I and II of this report, have provided the basis on which the Secretary-General has formulated the proposals now brought forward for consideration and discussion. These have been the subject of careful analysis by the appropriate services, and the building plans and general layout elaborated by the team of architects represent, in the view of the Secretary-General, the most practical and economical way in which the future conference and secretariat requirements can be met. The process of practical planning is now reaching the more detailed stages, and the architects will continue throughout the summer to put the final touches to the design. Certain alternative proposals are being studied by the architects and the executive services. These will be the subject of study and selection by the Geneva Buildings Committee, meeting under the chairmanship of the Director-General of the United Nations Office at Geneva on 1 July 1966. The Secretary-General

believes, in view of the general agreement between the Secretariat and the group of architects, that the broad lines of the resulting proposals will enable the Advisory Committee to give clear guidance to the Assembly on the future direction of planning and building in 1967 and following years. Designs, plans, elevations and scale models, prepared by the architects to illustrate their proposals, will be made available to the Committee during its session. It is intended that the final phase of the planning programme should be concluded by 30 September 1966.

23. Both designs at present being prepared by the architects seek to meet the requirements set out below:

(a) Three large conference rooms, with a capacity for approximately 600 to 650 persons, which should be able to accommodate about 140 delegations with 1 representative at the table and at least 2 advisers and about 40 observers from specialized agencies, intergovernmental and non-governmental organizations.

(b) One larger conference room, with a capacity for at least some 800 to 900 persons, accommodating 1 representative at the table and 3 advisers. This conference room would contain cabins or additional special accommodation for photographers and for motion picture and television cameramen.

(c) The plans also provide for 6 smaller rooms for the use of committees or working groups. These rooms would be designed to hold about 150 persons and would be arranged in pairs with movable partitions which would on required occasions permit their conversion to 3 larger rooms, seating about 300 persons each.

(d) In addition to the conference rooms described above, provision would be made for the ancillary accommodation required to ensure effective use of conference rooms for all types of international conferences as well as offices for the United Nations conference services and the conference secretariat. It is intended that this ancillary accommodation should be as follows:

(i) About 300 offices, partly for the permanent language services and partly for the secretariat services attached to each conference;

(ii) An entrance hall with all the usual facilities, which could also be used for exhibitions;

(iii) A visitors' entrance to be used as a waiting room (with space for the formation of groups by language);

(iv) A delegates' lounge with a bar and a quick-lunch counter;

(v) A press area comprising an "all-purpose" room, premises for teleprinters, some offices, a television studio and studios for radio reporting.

24. The plans prepared by the architects embody these features in a building which, it is agreed, should be erected at the Lausanne end of the Palais, where, from the architectural point of view, it would serve to balance the corresponding horizontal line of the Secretariat Building. At the same time, the new building would be in direct proximity to the existing conference area, with which it would be linked by corridors at the third floor as well as by an underground tunnel. The conference rooms, committee rooms and ancillary facilities which it would provide, together with offices for conference secretariats, could be easily integrated from the practical point of view with the existing Assembly Hall and associated conference and committee rooms.

The proposed location of the new building would also permit easy access from the Prégny gate.

25. The building would respect the architectural harmony of the present building both as regards height and general proportions and modern building methods would be used with their advantages of lower costs and more rapid construction. The horizontal lines which are a dominating feature of the exterior of the Palais would be continued at the same levels in the new building, and give further unity to the two buildings.

26. At the present stage no decision has been taken regarding the site of the delegates' restaurant. One possibility is a restaurant on the top storey of the new building with capacity to seat about 400 and a larger outdoor terrace. If this is judged undesirable, consideration might be given to an expansion and rearrangement of the existing restaurant which would increase its capacity from 200 to 350. Some increase in capacity will have to be made and both locations remain open for future consideration.

27. Following the meeting of the Geneva Buildings Committee in July, the architects will be in a position to work out details of the design and layout and to estimate costs with greater precision. On the basis of their recommendations and plans, and after taking into account the observations of the Advisory Committee at its June-July session, the Secretary-General will submit in September comprehensive proposals for the extension of conference facilities for consideration by the General Assembly at its twenty-first session. On the assumption that these proposals meet with the approval of the General Assembly, it should be possible to begin work on the site not later than mid-1967. The period required for the completion of the building is estimated at about three years. The structure should therefore be complete and ready for use by the summer of 1970.

28. Whichever design meets with the approval of the Geneva Buildings Committee, present estimates indicate that the total cost of the structure would amount to about \$12.5 million. This sum includes the total cost of the building itself, the construction of the third-floor corridor, the underground tunnel, the restaurant, and all equipment, furniture and decorating work. Also included are the fees due to the architects responsible for the design and the carrying out of the work. The estimate is based on the level of prices prevailing at the present time and, therefore, excludes any provision for possible future cost increases.

29. More detailed information will be given to the Advisory Committee during its forthcoming session at Geneva. After the meeting of the Geneva Buildings Committee on 1 July, it will be possible, in particular, to give a further indication of the over-all architectural plans to be recommended by that Committee.

30. In order to pursue studies which have already been initiated and with the object of presenting firm proposals to the General Assembly, the Secretary-General would propose, with the agreement of the Advisory Committee, to utilize the sum of \$75,000, the second portion of the credit of \$150,000 authorized by the General Assembly at its twentieth session.⁸¹

31. Some indications of the broad scope of the Secretary-General's proposals for the extension of conference facilities in the Palais have been given to the Swiss Federal Authorities, who informed the Secretary-General that these arrangements would meet with favourable consideration on their part. Further details will be made available to the Advisory Committee in the near future.

⁸¹ See foot-note 78.

DOCUMENT A/6385

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 August 1966]

I. INTRODUCTION

1. At its resumed summer session in Geneva during the period 28 June to 8 July 1966, the Advisory Committee on Administrative and Budgetary Questions considered the Secretary-General's interim report (A/C.5/1054) on the proposed extension of the conference facilities at the Palais des Nations, at Geneva. The Advisory Committee's examination resulted from a decision taken by the General Assembly at its twentieth session, on a recommendation of the Committee, that the Secretary-General be authorized to proceed with the necessary architectural and engineering studies, with a view to presenting to the Advisory Committee, at its 1966 summer session, plans and estimated costs of the construction of additional conference facilities at the Palais.

II. SUMMARY OF PREVIOUS REPORTS AND DECISIONS

2. In order to put this matter in its proper perspective, it may be well to recall earlier reports and decisions of the General Assembly concerning the adequacy of conference and related facilities at the Palais des

Nations, which have been the subject of review by the Secretary-General, the Advisory Committee and the General Assembly for the past several years.

3. At its 1043rd meeting, on 18 November 1963, the Fifth Committee decided⁸² to request the Advisory Committee to undertake during the early part of 1964 a comprehensive examination of all factors governing: first, the possible further expansion of existing conference facilities at the Palais des Nations and, secondly, the question of a programme of rehabilitation of the premises as set forth in the Secretary-General's report⁸³ and to submit its conclusions to the General Assembly at its nineteenth session. Accordingly, the Advisory Committee held a session at Geneva from 10 to 26 March 1964, during which it studied these matters in consultation with the Secretary-General's representatives, and also had the added advantage of meeting with the executive heads or other representatives of

⁸² See *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 58, document A/5681, para. 79.

⁸³ *Ibid.*, document A/C.5/982, paras. 14-18.

the organizations based at Geneva which are among the major users of the conference facilities in the Palais des Nations. The Committee's report to the General Assembly is contained in document A/5709.⁸⁴

4. In paragraph 61 of its report, the Advisory Committee concluded that the existing facilities for major conferences in the Palais des Nations were no longer entirely adequate to meet the increased demands made upon them by the United Nations and the specialized agencies. However, without more precise indications regarding future trends in the over-all programme of conferences at Geneva, the Committee felt that it would be premature to recommend the construction of additional conference rooms. At the same time, the Committee found that it was possible, within the existing structure, to improve the existing facilities in the Palais and thereby meet the essential needs of its main users in the immediate future. To this end, the Committee recommended in paragraph 62 of its report that, subject to its observations in that report, the General Assembly should approve a maintenance and improvements programme along the lines suggested by the Secretary-General. The Committee also observed, in paragraph 53, that if the trend towards holding an increasing number of major conferences at Geneva with ever-growing participation, were to continue, the General Assembly should note that there was a strong possibility that it would become necessary to construct additional conference facilities at substantial expense.

5. The Secretary-General submitted his proposals and comments (see A/C.5/1009⁸⁵) on the Advisory Committee's report and provided more detailed specifications and cost estimates as requested by the Committee. In its report and recommendations on those estimates (A/5799⁸⁵), the Advisory Committee suggested that the General Assembly approve in principle the programme of maintenance and improvements presented in part II of the Secretary-General's report for the period 1965-1974, subject to annual review by the Assembly. As regards the Secretary-General's suggestion (A/C.5/1009, para. 11) that the General Assembly authorize him to spend up to \$45,000 for the preparation of architectural and engineering studies in 1966 in order that he might report to the Assembly at its twenty-first session on the estimated cost of constructing new conference rooms together with the necessary ancillary services, the Advisory Committee, in paragraph 8 of its report, while being inclined to maintain the recommendation it made following its visit to Geneva in March 1964, suggested that as the studies foreseen by the Secretary-General would be performed in 1966 only, he should make provision for them in his budget estimates for that year, and the Committee would examine them at that time in the light of developments during the intervening period. Additionally, the Committee endorsed the Secretary-General's request for further studies in 1965 with a view to putting into effect, upon the departure of WHO from the Palais, a general relocation of services as would ensure the best possible use of all available space. The Advisory Committee's full recommendations are contained in paragraph 19 of its report (A/5799).

6. Subsequently, the Secretary-General submitted a further report (A/C.5/1040⁸⁵) to the General Assembly at its twentieth session on the progress of the studies

undertaken so far, and a revision of the scope, cost and timing of the programme as originally presented in document A/C.5/1009, in the light of new developments. The Secretary-General stated, in paragraph 12 of his aforementioned report, that during the latter part of 1964 and the first half of 1965, he had given special consideration to the possibilities that would be offered upon the departure of WHO from the Palais as regards relocating services in a more functional manner, freeing offices in the conference area for conference-servicing purposes and, in general, of increasing to the extent possible the efficiency of the Palais. The Secretary-General therefore suggested a number of additional measures which would improve the functional efficiency of the Palais and saw considerable advantage in adding them to the programme of improvements he had already presented in document A/C.5/1009, notwithstanding the high cost of some of them. He also expressed the belief that the programme of major maintenance and improvements submitted to the General Assembly would do no more than make the facilities in the Palais des Nations marginally adequate for activities which would not exceed the 1964-1965 level.

7. The Secretary-General also noted that it had become clear that there would be a considerable increase in 1966 and subsequent years in the over-all activities in the Palais and that, if the combined needs of its users were to be met adequately, consideration must be given at an early date to the construction of additional conference rooms and related facilities, and that some of the projects presented in his two reports must be considered against the background of the new development. Accordingly, the Secretary-General recommended:

(a) That he be authorized to undertake the necessary architectural and engineering studies in 1966 with a view to presenting proposals to the General Assembly at its twenty-first session regarding the construction of additional conference facilities at the Palais des Nations;

(b) That he be authorized to carry out the maintenance programme he had initially proposed in document A/C.5/1009, with a few minor changes, and a revised programme of improvements.

The Secretary-General's detailed proposals can be found in part III (Improvements), IV (Maintenance), V (Construction of additional facilities), and VI (Methods of financing) of document A/C.5/1040, and in its annex, indicating the proposed order of priority.

8. In examining the Secretary-General's revised programme, the Advisory Committee took into consideration the new elements envisaged by him as a consequence of the anticipated increase in the over-all activities in the Palais for future years and, as regards the programme for improvements and major maintenance, confined its observations primarily to those items for which project and programme changes were requested by the Secretary-General. In part III of its report (A/6137⁸⁵) the Advisory Committee noted, *inter alia*, that the original proposals for the enlargement of conference rooms XIV and XV had been withdrawn. It recalled that in its previous report it had observed that, should the proposals for the enlargement of room XIV be approved, it would still not accommodate the largest bodies accustomed to using the Palais, and that inasmuch as its conversion was scheduled to begin in 1967, the Committee proposed to re-examine the programme

⁸⁴ Mimeographed.

⁸⁵ See foot-note 76.

in 1966 in the light of circumstances at that time. As regards room XV, the Committee was of the opinion that short of the construction of new conference rooms, the transformation of that room afforded the principal means of enlarging the conference facilities of the Palais, and recommended that its modernization should be given every possible priority. However, given the high cost of this project (\$407,000), the Secretary-General advised that he wished to study the matter further in relation to such plans as might be developed for the construction of new conference facilities.

9. The Advisory Committee observed that it was aware of the recent developments which had prompted the Secretary-General to withdraw his original proposals for conference rooms XIV and XV, and that, although they should be withdrawn from the programme to be approved by the General Assembly, they should not be regarded as being abandoned entirely. It called attention to the possibility that certain minor modifications to these rooms, having financial implications, might be necessary to accommodate their principal users even if a decision were taken to construct new conference facilities.

10. In submitting his proposal for the construction of additional conference facilities (A/C.5/1040, para. 23), the Secretary-General stated that, in the light of the increased activities foreseen in 1966 and thereafter, he should be authorized to proceed immediately with the necessary studies. He therefore requested that the General Assembly authorize him to spend up to a maximum of \$150,000 in 1966 to prepare these studies. Up to \$75,000 of this amount would enable him to place preliminary plans and cost estimates before the Advisory Committee no later than the middle of 1966, with the balance of the funds to be expended only with the prior concurrence of the Committee, for the preparation of final plans and estimates as required. In the light of subsequent developments and in particular the decision of the General Assembly in resolution 2085 (XX), of 20 December 1965, to locate the headquarters of UNCTAD at Geneva, which would add materially to the total conference programme of the United Nations Office there, the Advisory Committee suggested that the General Assembly approve the Secretary-General's request.

11. Additionally, and as indicated in its earlier report (A/5799), the Advisory Committee had recommended that the Secretary-General be authorized to accept the generous offer of the Swiss Federal Government of an interest-free loan of 8.5 million Swiss francs (\$1,967,000), reimbursable over the five-year period 1970-1974. The Advisory Committee's full recommendations are contained in paragraph 26 of document A/6137.

III. PROPOSED ENLARGEMENT OF THE PALAIS DES NATIONS: THE SECRETARY-GENERAL'S INTRODUCTION

12. In his present report to the General Assembly at its twenty-first session, (A/C.5/1054, para. 4), the Secretary-General states that throughout the discussions and consultation with the Geneva Buildings Committee, he never lost sight of the fact that the present building is an architectural composition of great simplicity and grandeur, and that any additions which are made necessary by the increasing importance of the Palais as an international centre must do nothing to destroy the existing architectural harmony. The Sec-

retary-General had therefore sought the advice and guidance of a committee of distinguished architects,⁸⁶ some of whom had originally been appointed in 1957 when the need for major changes to the Palais became apparent. He expressed confidence that a Committee of such distinction would guarantee that any additions or changes would be made in harmony with the existing structure and not impair its architectural unity.

IV. CONFERENCE PATTERN IN THE PALAIS DES NATIONS

13. In part I of his report, the Secretary-General provides information on the developments in the conference pattern at the Palais des Nations and presents the table on the growth of activities in the Palais quoted below. It should be noted that the estimated figures for 1966 and 1967 were provided at the request of the Advisory Committee in Geneva, and do not appear in the Secretary-General's report.

ANNUAL NUMBER OF CONFERENCES, AND MEETINGS, AND OF PARTICIPANTS

Year	Number of meetings	Number of participants	
		Representatives	Secretariat
1960	2735	10,251	1,455
1961	2945	12,400	1,663
1962	3247	13,160	1,840
1963	3645	15,970	2,064
1964	4223	15,328	1,927
1965	4052	14,193	1,915
1966 (estimated)	4611	16,500	2,350
1967 (estimated)	5200-5600	18,000-20,000	2,500

14. The Secretary-General also comments on the changes which have taken place in the form and layout of conferences during the last few years, indicating that a large conference now requires the simultaneous use of more rooms than hitherto, owing to the tendency to increase the number and size of committees, working groups and regional groups which have to meet at the same time. He also provides information on the impact the increased membership is having on the United Nations and the specialized agencies both as regards conference servicing, office and other accommodations and the ancillary services.

V. EXISTING CONFERENCE FACILITIES IN THE PALAIS DES NATIONS

15. In part II of his report, the Secretary-General summarizes the existing conference facilities offered by the Palais comprising the Assembly Hall, the Council Chamber, 5 large conference rooms, 9 medium-sized rooms and 9 smaller rooms. As a result of improvements effected during the period 1958-1962, the Assembly Hall can accommodate 2,003 persons, providing for 120 delegations with 4 representatives at the table and 4 advisers seated behind for each delegation. Special installations would permit this number to be raised to 132. There is also seating arrangement for 386 in the press galleries and 382 in the public galleries.

16. Of the 5 large conference rooms 2 (rooms XII and XVI) can accommodate a maximum of approximately 140 participants seated at the table, each with

⁸⁶ Members of the Committee of Architects are: Mr. Eugène Beaudouin, Mr. Carlo Broggi, (one of the five architects who originally planned the Palais), Mr. Jacques Carlu, Mr. Pier Luigi Nervi and Sir Basil Spence.

one adviser behind. Rooms V and VII can accommodate respectively 108 and 96 participants at the tables, each with one adviser behind, but leaving very little room for the Press and the public. Although room XV was designed as a reading room, it is in frequent use as a reserve conference room. The Secretary-General indicates that the plans proposed for extending the Palais would place room XV in a more strategic position for more effective use. Of the 9 medium-sized rooms (rooms I, II, III, VI, VIII, IX, X, XI and XIV) 8 have limited seating capacity and one (room VI) is used as a delegates' lounge during conference periods. One of the 9 smaller rooms (room IV) is also used as a lounge, and the others seat between 30 and 60 persons and are without interpretation equipment.

VI. PROPOSALS OF THE SECRETARY-GENERAL AND ESTIMATES OF COSTS

17. The Secretary-General, in part III of his report, states that any structural additions to the Palais must be related to the existing organic whole and must enlarge the facilities and services already provided, rather than form a separate self-contained entity. Furthermore, he indicates, that since the building cannot be extended indefinitely, the new plans must also aim at a regrouping of the functions of the Palais while preserving its organic unity, which concept presupposes maintaining the original division of the Palais into two distinct parts; the area primarily devoted to conference activities and the secretariat area.

18. Accordingly, the Secretary-General's directions to the architects preparing the plans envisaged the housing of all the administrative services and all substantive units in the secretariat area of the Palais, with the conference area, both old and new, to be designed to accommodate all services and facilities which directly contribute to the running of conferences. In addition to the conference rooms, the delegates lounge, the bar, restaurant and the cafeteria, it is planned that this latter area should accommodate the translation, reproduction and distribution services, conference secretariat offices, the Press, radio and television and the visitors' service.

19. The Secretary-General observed that owing to the diverse nature of the duties undertaken by the various secretariat groups, such as ECE, UNCTAD, the Office of the United Nations High Commissioner for Refugees and the Division of Narcotic Drugs, their functional grouping is of a different nature. He therefore considered it essential to give preference to the arrangements for conference services so as to accommodate simultaneously two major conferences such as the annual assemblies of the specialized agencies or the sessions of UNCTAD, or any other large conference taking place at Geneva every year. Thus, it is pointed out that, if used for a single conference, the space and equipment required for two conferences of that size should be adequate for the needs of a very large conference such as the General Assembly of the United Nations.

20. Two plans were initially prepared by the architects and a third was proposed during the Advisory Committee's meetings in Geneva. This third plan received the unanimous agreement of the Committee of Architects and was selected by them as the final design to be submitted for consideration by the General Assembly at its twenty-first session. The Committee

was assured that, inasmuch as the estimated cost of the proposed extension was based on the total volume of construction required, and that all three designs approximated the same volume of material, there would be little variance in the estimated total expenditure.

21. The Secretary-General explains that the designs are intended to meet the following requirements:

(a) Three large conference rooms, with a capacity for approximately 600 to 650 persons, which should be able to accommodate about 140 delegations with 1 representative at the table and at least 2 advisers and about 40 observers from specialized agencies, inter-governmental and non-governmental organizations.

(b) One larger conference room, with a capacity for at least some 800 to 900 persons, accommodating 1 representative at the table and 3 advisers. This conference room would contain cabins or additional special accommodation for photographers and for motion picture and television cameramen.

(c) The plans also provide for 6 smaller rooms for the use of committees or working groups. These rooms would be designed to hold about 150 persons and would be arranged in pairs with movable partitions which would on required occasions permit their conversion to 3 larger rooms, seating about 300 persons each.

(d) In addition to the conference rooms described above, provision would be made for the ancillary accommodation required to ensure effective use of conference rooms for all types of international conferences as well as offices for the United Nations conference services and the conference secretariat. It is intended that this ancillary accommodation should be as follows:

(i) About 300 offices, partly for the permanent language services and partly for the secretariat services attached to each conference;

(ii) An entrance hall with all the usual facilities, which could also be used for exhibitions;

(iii) A visitors' entrance to be used as a waiting room (with space for the formation of groups by language);

(iv) A delegates' lounge with a bar and a quick-lunch counter;

(v) A press area comprising an "all-purpose" room, premises for teleprinters, some offices, a television studio and studios for radio reporting.

22. The recommended design provides for 4 large conference rooms, superimposed in duplex style, complemented by 6 smaller rooms, plus some 300 offices for conference and language servicing staff, together with other ancillary facilities and services. It has been agreed that, if approved, the building should be erected at the Lausanne end of the Palais (north-north-east), where, from the architectural point of view, it would serve to balance the corresponding line of the Secretariat Building. It would also be in direct proximity to the existing conference area, with which it would be linked by corridors at an appropriate floor as well as by an underground tunnel. The conference rooms, committee rooms and ancillary facilities which it would provide, together with offices for conference secretariats, could be integrated with the existing Assembly Hall and associated conference and committee rooms. The proposed location also permits easy access from the Prégny gate, which reflects the name of the adjoining community on the road to Lausanne.

23. In reply to its inquiry as to the possibility of implementing the recommended plan on a partial basis, the Committee was informed that such a consideration might lead to substantial additional costs, owing to the tendency of increased prices for construction and equipment over the years, and that subsequent completion of the required facilities might involve alterations to the initial structure and additions to the heating equipment, lighting and air-conditioning.

24. The Secretary-General advises that the total estimated cost of the proposed extension would amount to about \$12.5 million. The estimate is based on the level of prevailing prices and excludes provision for any possible future cost increases. This sum includes the total cost of the building itself, the construction of an appropriate corridor and underground tunnel linking the two buildings, the restaurant (as proposed for the new building and not for any possible expansion of the existing restaurant), all immovable equipment and furniture, and decorating work. Also included are the fees of the architects who prepared the designs.

25. Finally, the Secretary-General proposes that with the object of presenting firm proposals to the General Assembly, he be authorized to utilize the additional \$75,000 of the \$150,000 approved by the Assembly at its twentieth session for the preparation of final plans and detailed cost estimates of the proposed extension to the Palais.

VII. ADVISORY COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

26. In considering the Secretary-General's proposal for an extension of the Palais des Nations, the Advisory Committee recalled that in the report (A/5709, para. 53) it submitted to the General Assembly at the nineteenth session, covering its initial inquiry into the conference facilities and major maintenance of the Palais des Nations, it noted that if the trend towards holding an increasing number of major conferences at Geneva, with ever-growing participation, were to continue, the General Assembly should note that there would be a strong probability of the necessity to construct additional conference facilities at substantial expense. At the same time, in paragraph 62 of that report, the Advisory Committee recommended, *inter alia*, that the United Nations and its Members and the specialized agencies and their members should give the most careful consideration during the next few years to the possibility of limiting the number of conferences and meetings, so that they may be held without inconvenience in the existing facilities, and also that the General Assembly and the Economic and Social Council, when deciding to convene future conferences, should consider making greater use of the New York facilities in order to reduce the pressure on the Geneva facilities and to avoid unnecessary interference with the meetings and conferences of the specialized agencies normally held at Geneva.

27. At its present session, the Advisory Committee took into account the increase in the number of conferences and meetings which have taken place at Geneva subsequent to its on-the-spot appraisal in 1964. In particular, the Committee recalled the decision of the General Assembly to establish the headquarters of UNCTAD at Geneva, which has added materially to the conference and meetings programme at the Palais. Given this specific continuing requirement, and assuming the increased conference activity foreseen by the

Secretary-General for 1966 and future years continues, together with the present tendency towards greater participation, more complex and frequent meetings and conferences requested by Member States at Geneva, the Advisory Committee agrees that additional conference facilities and services similar to those envisaged by the Secretary-General will be needed at the Palais.

28. It would also seem to the Advisory Committee that given continuation of this trend for additional meetings to be convened at the Palais by the various organs of the United Nations, the specialized agencies and other international organizations, the provision of additional conference facilities and related services would deserve treatment as a matter of urgency. Should the General Assembly decide to approve an extension of the Palais, consideration would need to be given to the earliest implementation of the Assembly's decision and adherence to the schedule of construction as proposed by the Secretary-General for completion in 1970.

29. With these considerations in mind, the Advisory Committee gave particular attention to the Secretary-General's provisional proposals contained in document A/C.5/1054, together with supplementary information received from the Director-General of the United Nations Office at Geneva. Having examined all the information available, the Advisory Committee considers that in general, and subject to its examination of the final detailed proposal setting forth the specific physical elements and their related costs to be submitted to the General Assembly not later than October 1966, the Secretary-General's proposal justifies the development and elaboration of more detailed and concrete plans.

30. The Advisory Committee had the opportunity of examining the three designs and plans of the proposed extension to the Palais submitted for the consideration of the Committee of Architects. As indicated in paragraph 20 above, the Committee of Architects unanimously agreed on the choice of the third plan, both as regards its architectural unity with the Palais and also as regards its functional efficiency, and it was therefore selected as the final basic design to be submitted for consideration by the General Assembly at its twenty-first session. On this basis, and having satisfied itself that the design provides not only for present and short-term requirements but also for anticipated future long-term needs, the Advisory Committee feels that the plan should be commended for consideration by the General Assembly.

31. In formulating its observations and recommendations on the Secretary-General's proposals, the Advisory Committee did not attempt to relate them to the financial position of the Organization, since this matter is under consideration by the General Assembly.

32. The Advisory Committee also inquired into the arrangements contemplated for financing the proposed extension of the Palais, and was informed that the Swiss Federal Government was prepared to extend a loan of up to 65 million Swiss francs (approximately \$15 million) at 3 per cent interest, reimbursement over a ten-year period, to assist the United Nations in executing the proposed extension to the Palais des Nations. Additionally, the Swiss Federal Government has indicated that it will contribute a grant to assist further the Organization in the implementation of this project.

33. In its consideration of the Secretary-General's proposal for an extension of the Palais des Nations,

the Advisory Committee was also concerned, should any new facilities be approved, that they would be made available to all the regular, principal users of the Palais, particularly the Geneva-based United Nations bodies, specialized agencies and other international organizations. Apart from the formal obligations with certain of the specialized agencies, it must be borne in mind that it is at Geneva, as the site of the largest concentration of separate international organizations, that a common system of facilities and services within the United Nations family can fully demonstrate its unity and effectiveness. It is therefore necessary that, to the extent possible, established obligations be adhered to in allocation of any new conference and servicing facilities.

34. In the light of the above observations and on the basis of the provisional proposals, the Advisory Committee is prepared to give its approval to the

Secretary-General to utilize the remaining half of the total credit of \$150,000 authorized by General Assembly resolution 2125 (XX), of 21 December 1965, for the preparation and finalizing of the plans and cost estimates for the proposed extension to the Palais des Nations.

35. Accordingly, the Advisory Committee recommends that the Secretary-General proceed with the more detailed and complete presentation of the third plan as described in paragraph 22 above and, in this connexion, considers it important that the Secretary-General's final submission should be made available to the General Assembly not later than October 1966. The report should provide full details of the physical aspects of the plan and include all foreseeable cost elements related thereto, to facilitate the Assembly's consideration of this important project.

DOCUMENT A/C.5/1076

Report of the Secretary-General

[Original text: English]
[28 October 1966]

I. INTRODUCTION

1. In an interim report (A/C.5/1054) to the General Assembly at its current session, the Secretary-General gave an account of the action he had taken following the authorization he had received from the General Assembly at its twentieth session (1408th plenary meeting) to proceed with the necessary architectural and engineering studies in order to be able to present to the General Assembly at its twenty-first session plans and estimates of cost for the construction of additional conference facilities at the Palais des Nations at Geneva.⁸⁷ It was indicated in the report that, in consultation with a group of eminent architects, the most practical and economical ways of meeting conference requirements in Geneva, on the basis of past experience and anticipated future programmes, had been explored and that, by the summer of 1966, agreement had been reached on the broad lines of an extension of the Palais for these purposes.

2. The Secretary-General placed his preliminary plans before the Advisory Committee on Administrative and Budgetary Questions when it held the latter part of its summer session at Geneva from 28 June to 8 July 1966. At that time the Committee received supplementary information from the Director-General of the United Nations Office at Geneva and it was also able to examine three different designs and plans for the proposed extension which had been submitted to the Committee of Architects for consideration. In its relevant report to the General Assembly (A/6385, paras. 26-30) the Advisory Committee has endorsed the plan for which the Committee of Architects had stated its preference. The report concludes with the recommendation that the Secretary-General proceed with a more detailed and complete presentation of the plan selected, with a view to providing, in a report to be made available to the General Assembly not later than October 1966, full details of its physical aspects and all foreseeable cost elements related thereto.

3. The present report is submitted to the General Assembly in response to the aforementioned recommendation of the Advisory Committee. It contains, in section II, a detailed description of the planned extension, in section III, an estimate of the cost provided by the architects and the Secretary-General's recommendations on the methods of financing the project and, in the annex, various views and plans of the proposed extension.

II. DESCRIPTION OF THE PLANNED EXTENSION

4. The plan prepared by the architects takes account of all the factors—sometimes difficult to reconcile—relating to over-all location in the building complex of the Palais des Nations, and provides all the facilities mentioned in the interim report (A/C.5/1054).

5. The new building, separated from the present Palais by a gap more than 20 metres (65 feet) wide, would be located north-north-east of the existing premises (Lausanne side). This side was chosen to meet the following requirements: to preserve the remarkable setting of the Palais with its view on the Ariana Park, the lake and the Alps; to provide convenient, efficient, and relatively short communications with the present buildings; to group four large conference rooms in as compact a space as possible, at the same time providing more committee rooms and related facilities immediately adjacent to the larger rooms and easily accessible; and to provide the new building with convenient access roads and sufficient parking space. Detailed studies were made with a view to satisfying all the desired conditions, and some fifteen to twenty solutions were considered and rejected by the architects before the final choice was made. This choice, which is necessarily the result of a series of compromises, can be said to constitute the best possible solution.

6. The main facilities included in the plan are:

(a) *A large conference room*, numbered XX, with a seating capacity of 900 (see annex, plan No. 6), with the following characteristics:

⁸⁷ See foot-note 78.

Location: 3rd floor

Dimensions:

Length (average): about 29 metres (95 feet).
 Width: about 39 metres (128 feet).
 Height: about 7 metres (23 feet).

Useful space:

Floor level, including rostrum: 1,131 sq. metres (12,174 sq. feet).
 Gallery: 60 sq. metres (646 sq. feet).

Capacity:

	<i>Number of seats</i>
Rostrum	
At the table	9
Behind the table	16
TOTAL, rostrum	25

Floor level

Representative seated at the table	140
Advisers seated immediately behind	280
Representatives of specialized agencies and non-governmental organizations:	
Seated at the tables	20
Seated immediately behind	20
Additional advisers, observers, etc.	140
Press	75
Others	100
TOTAL, floor level	800

Gallery

For the public	100
TOTAL, floor level and gallery, room XX	900

Booths:

Interpreters: 6 booths, each 2.40 metres (8 feet) wide.
 Operator, sound recording: 1 booth, 3 x 4.50 metres (10 x 15 feet).
 Additional booths for television, cinematography, photography, radio, verbatim reporting, précis-writing.

(b) Three conference rooms, numbered XVII, XVIII and XIX, with seating accommodation for 610, 630 and 620 people, respectively (see annex, plans Nos. 4 and 6).

There is so little difference between these rooms that it will be sufficient to give particulars of the capacity of one of them, room XIX (see annex, plan No. 6):

Location: 3rd floor

Dimensions:

Length (average): about 27 metres (89 feet).
 Width: about 29 metres (95 feet).
 Height: about 7 metres (23 feet).

Useful space:

Floor level, including rostrum: 783 sq. metres (8,426 sq. feet).
 Gallery: 35 sq. metres (376 sq. feet).

Capacity:

	<i>Number of seats</i>
Rostrum	
At the table	9
Behind the table	11
TOTAL, rostrum	20

Floor level

Representatives seated at the table	140
Advisers seated immediately behind	140
Representatives of specialized agencies and non-governmental organizations:	
Seated at the tables	20
Seated immediately behind	20
Additional advisers, observers, etc.	60
Press	50
Others	120
TOTAL, floor level	570

Gallery

For the public	50
TOTAL, floor level and gallery, room XIX	620

Booths:

Interpreters: 6 booths, each 2.40 metres (8 feet) wide.
 Operator, sound recording: 1 booth, 3 x 4.50 metres (10 x 15 feet).

Additional booths for television, cinematography, photography, radio, verbatim reporting, précis-writing.

(c) Six small meeting rooms, numbered XXI to XXVI, located on the 1st floor, at the same level as rooms XVII and XVIII in the new building and room XV in the old building.

Each of these rooms provides seating accommodation for 152 people, but rooms XXI and XXII can be converted into a single room with seating accommodation for 340 people; the same applies to rooms XXIV and XXV (see annex, plan No. 4). The characteristics of these rooms are all similar, and rooms XXI and XXII may be considered typical:

Dimensions:

Length (average): about 15 metres (49 feet).
 Width: about 19 metres (62 feet).
 Height: about 3.60 metres (12 feet).

Useful space:

Floor level 285 sq. metres (3,068 sq. feet).

Capacity:

	<i>Number of seats</i>
Floor level	
Representatives seated at the tables, including	
Chairman's table	60
Advisers	80
Secretariat, at the centre	12
TOTAL	152

Booths:

Interpreters: 5 booths each 2.40 metres (8 feet) wide.
 Operator, sound recording: 1 booth 3 x 4.50 metres (10 x 15 feet).

Combined capacity of rooms XXI and XXII:

	<i>Number of seats</i>
Representatives seated at the tables	140
Advisers	176
Secretariat	24
TOTAL	340

The large room formed by removing a movable partition will have more than twice the capacity of each separate room, because additional tables can be placed in the space left free by the partition.

All the rooms will be equipped with a complete system of wired simultaneous interpretation with eight channels for rooms XVII to XX and six channels for rooms XXI to XXVI. There will be one microphone for each seat at the President's table and one for every two representatives at their tables.

The lobby adjoining rooms XVII and XVIII, on the lake side (see annex, plan No. 4) will be large enough for use as an exhibition hall.

(d) A delegates' lounge on the second floor, lake side (see annex, plan No. 5) adjacent to all facilities: information desk, documents distribution, post and telegraph office, bank, travel agency, etc.

The lounge has direct access to the conference rooms by stairs leading to the lobbies. The floor space is

nearly 1,000 sq. metres (about 10,500 sq. feet). In an extension of the lounge at the Lausanne end, provision has been made for a snack bar to provide refreshments and light meals.

(e) *A total floor space* of about 4,600 sq. metres (approximately 49,000 sq. feet) for conference officers and offices for the language and stenographic services.

First, the plan provides for offices near the conference rooms, mainly on the fourth floor (see annex, plan No. 7), for use during conferences (President or Chairman, senior officials and secretariat of assemblies, councils or committees). Most of these offices will face the lake or the Jura. Secondly the whole of the upper floor, which corresponds to the fifth floor of the Palais, is devoted to offices for the language services, of dimensions varying in accordance with the needs of these services (see annex, plan No. 8). Lastly, the lower floor, which corresponds to the ground floor of the Palais, will accommodate, in addition to the press area described below, premises for documents reproduction, documents distribution, and storage of publications, documents, supplies and furniture. On the same floor, at the Lausanne end of the building, there is a service yard specially laid out for delivery of supplies. A connecting gallery provides the necessary means of access from the delivery platform (see annex, plan No. 3).

(f) *The main entrance* to the building, situated on the Jura side at the same level as doors 13 and 15, which provide access to the Assembly Building (see annex, plan No. 5).

The lobby of this entrance will have all the necessary facilities for a delegates' entrance (cloakroom, newsstand and tobacconist, and small offices for temporary use, e.g. protocol or security, documents distribution counter, post office, telephone, telegraph and telex office, information desk, travel agency, photographer's stand, etc.). Provision is also made for another entrance on the Lausanne side, mainly for the staff.

(g) *The visitors' entrance*, in the area separating the new building from the library of the Palais des Nations.

This entrance gives access to a lobby which communicates directly with the philatelic museum, room XIV, which can be used as a cinema, and with sales counters and a small room intended for a snack bar (see annex, plan No. 4).

(h) *The press area*, situated below the visitors' lobby (see annex, plan No. 3).

This area includes a lobby with bar, a press room, some offices, a television studio with a large adjoining room (for control desk and storage facilities, or possibly an auxiliary studio), five broadcasting studios (one large enough for "round table" meetings) with control desk and sound recording facilities, dark rooms, telex facilities and telephone booths. Access to the press area is by an entrance next to the visitors' entrance, or by another entrance on the park side or by the connecting tunnel at the ground-floor level of the Palais.

(i) *The restaurant*

Studies and consultations have shown the general view to be that it would be better to enlarge the existing restaurant at the top of the Assembly Building than to construct a new one as part of the Palais extension. The plan therefore provides for enlargement of the present restaurant by incorporating the adjoining terraces (see annex, plan No. 12) which will more than

double its capacity: instead of seating 170 as at present, it will seat about 400 people, or rather more with extra chairs at some tables. The question of the cafeteria has also been considered and the plan provides for its enlargement in the same location (see annex, plan No. 3) by moving the kitchen and offices and incorporating the existing passage areas, which will be replaced by the new connecting tunnels described in paragraph (1) below.

(j) *Air-conditioning*

It is obviously necessary to air-condition areas such as the conference rooms and their booths, and the basements. However, the question of extending air-conditioning to other parts of the building is being thoroughly examined, with a view to reducing installation costs as much as possible and, especially, keeping operating costs down in the future. In addition, the outside walls will be treated to keep heating by the sun to a minimum, thus reducing the amount of refrigeration needed to air-condition the lobbies of the conference rooms.

(k) *Parking facilities*

The car parks in the United Nations grounds now provide space for about 1,000 cars; with the exception of some 20 parking spaces under cover but not enclosed, all parking is in the open. The plan provides for 500 additional parking spaces, on the Lausanne side, under cover but not underground and partly concealed by landscaping.

(l) *Means of communication*

It was considered essential to provide access to the new building at several levels. First, the need for a bridge at the third floor level of the Palais (see annex, plans Nos. 9 and 11) was recognized in spite of the aesthetic problems it raises. First, it is important to have direct communication at the level (third floor of the Palais) on which are situated the Assembly Hall, all the conference rooms on the main gallery and the new rooms XIX and XX, the latter being the largest conference room in the new building. Secondly, it was considered necessary to provide communications at each of the lower levels corresponding to the first floor, ground floor and lower ground floor of the Palais des Nations. The plan therefore provides for communication with room XIV and with staircase No. 17 on the first floor (see annex, plan No. 4) and for a tunnel on two levels under the "Cour d'honneur" (see annex, plans Nos. 2, 3 and 11) directly connecting the new building with the Library Building (B building) the Assembly Building (A building) and the Council Building (C building). The upper level of the tunnel is intended for general use and the lower level for service traffic (document trolleys, supplies, etc.).

7. Should the General Assembly approve the proposed extension of the Palais des Nations as set forth in the preceding paragraph, the Secretary-General would envisage the following time-table, drawn up in consultation with the architects:

- | | |
|--|-------------------------------|
| (a) Excavation | |
| Tenders and awards | Late spring 1967 |
| Work completed .. | End 1967 |
| (b) Construction | |
| Plans completed .. | 30 June 1967 |
| Tenders | July 1967 |
| Awards | Autumn 1967 |
| Operations | 1 January-31 December 1968 |
| Fittings, equipment,
decoration | 1 January 1969-30 April 1970. |

On these assumptions, the new conference facilities would be ready for use by the middle of 1970.

III. COST AND FINANCING OF THE PROJECT

Cost estimates

8. The architects have estimated that the costs of the complete project (including new construction connecting tunnel and passages, enlargement of the restaurant and cafeteria, car parks, roads, architects' and engineers' fees and an allowance for administrative costs) will total approximately Swiss francs 58,750,000 (\$13,600,000).

9. The above-mentioned amount has been based on 1966 prices and does not include any provision for contingencies including increases in cost of labour and materials between now and 1970. Whereas the extent of such increases cannot be determined with precision at the present time, it would not appear unreasonable to the Secretary-General to evaluate it at approximately 10 per cent. In such event, the over-all costs would become about Swiss francs 64.8 million, or approximately \$US 15 million.

10. Based on the detailed costing of specific items provided by the architects, the following costs are envisaged:

	<i>United States dollars</i>	<i>Swiss francs</i>
A. New Building		
(1) Structure	3,301,000	14,260,000
	<i>Dollars</i>	<i>Francs</i>
(a) Excavating ground and building foundations	694,500	3,000,000
(b) Superstructure in reinforced concrete and steel	2,467,600	10,610,000
(c) Roofs	138,900	600,000
(2) Installations and equipment	6,809,500	29,417,000
(a) Heating, ventilation, air-conditioning and sanitary installations	1,721,100	7,435,000
(b) Electrical installations, passenger lifts, service lifts and escalators	1,235,400	5,337,000
(c) Building and finishing of floors, ceilings and walls, inside and outside	2,537,000	10,960,000
(d) Furniture for conference rooms and offices, and installation of fixtures throughout the building, including simultaneous interpretation equipment	1,316,000	5,685,000
TOTAL, A	10,110,500	43,677,000
B. Connecting tunnels	442,100	1,910,100
C. Cafeteria	461,900	1,995,400
D. Restaurant extension	591,800	2,556,500
E. Outside work, car parks	715,300	3,090,000
TOTAL, A to E	12,321,600	53,229,000
Provision for contingencies	1,382,100	5,971,000
TOTAL	13,703,700	59,200,000
F. Fees for architects and engineers, and administrative costs	1,296,300	5,600,000
	<i>Dollars</i>	<i>Francs</i>
(1) Architects' fees	532,400	2,300,000
(2) Engineers' fees	300,900	1,300,000
(3) Administrative costs	463,000	2,000,000
GRAND TOTAL	15,000,000	64,800,000

Financing

11. The Swiss Federal Government and the Republic and Canton of Geneva have indicated that they are prepared to offer a donation of 4 million Swiss francs (\$925,000) to cover part of the costs of the project. Additionally, with the approval of the Swiss Federal Council, the Fondation des immeubles pour les organisa-

tions internationales is prepared to grant a loan as required up to a maximum of 61 million Swiss francs (\$14,120,000) at 3 per cent interest to assist in financing the project. The loan would be reimbursable during a period of ten years.

12. It is believed that work undertaken in accordance with the plans outlined above would result in expen-

ditures during the period 1967-1971 of the following order:

Year	United States dollars
1967	1,000,000
1968	2,300,000
1969	5,000,000
1970	5,700,000
1971	1,000,000
TOTAL	15,000,000

The Secretary-General recommends that during the period 1967-1971 these costs be met partially by acceptance of the generous offer of a gift from the Swiss Federal Government and the Republic and Canton of Geneva (\$925,000), partially by budgetary appropriations in five annual amounts of \$1 million (\$5,000,000) and partially by a loan from the Fondation des immeubles pour les organisations internationales (\$9,075,000).

13. Reimbursement of the loan would be made during the period 1972-1980 after the construction of the new building was completed. It may be recalled that at the twentieth session the General Assembly at its 1408th plenary meeting, approved a programme of major maintenance and improvements for the Palais⁸⁸ commencing in 1966 at a total cost of \$4,394,200, authorized the Secretary-General to accept the generous offer of the Swiss Federal Government of a loan of 8.5 million Swiss francs (\$1,967,000) reimbursable over the five-year period 1970-1974, and decided to provide for the financing of the programme in such a way that, taking account of the repayment of the loan over the years 1970-1974, the amounts to be met from the budget estimates in the successive years over the period 1967-1974 should be approximately equal, or \$612,000 annually. With the aim of maintaining annual budgetary appropriations at similar levels and of keeping interest charges for the new loan as low as possible, the Secretary-General recommends that annual budgetary amounts of \$1 million be continued until the year 1974 for repayment of the new loan and interest charges and thereafter be increased to \$1.5 million. The debt to the Fondation des immeubles pour les organisations internationales would thus be liquidated within nine

⁸⁸ See foot-note 78.

years, with a final instalment to be made in 1980. Under such arrangements the financing of the project would be in accordance with the following summary:

Year	Requirements	Budget United States dollars	Gift	Loan
1967	1,000,000	1,000,000	—	—
1968	2,300,000	1,000,000	925,000	375,000
1969	5,000,000	1,000,000	—	4,000,000
1970	5,700,000	1,000,000	—	4,700,000
1971	1,000,000	1,000,000	—	—
TOTAL	15,000,000	5,000,000	925,000	9,075,000

REPAYMENT OF LOAN AND INTEREST AT 3 PER CENT

Year	Budget U.S. dollars
1972-1974 (annual amounts of \$1,000,000)	3,000,000
1975-1979 (annual amounts of \$1,500,000)	7,500,000
1980 (approx.)	495,000
TOTAL	10,995,000

14. If the General Assembly decides to approve the project for the extension of the Palais, the Secretary-General recommends that the Assembly:

(a) Authorize the Secretary-General to proceed with the plans for extension of the Palais des Nations within a maximum expenditure of \$15,000,000;

(b) Authorize the Secretary-General to accept the offer of the Swiss authorities of a gift of 4 million Swiss francs (\$925,000) towards the cost of the project and to accept a loan, as required, at 3 per cent interest to assist in the financing and to be repayable in instalments within the period 1972 to 1980;

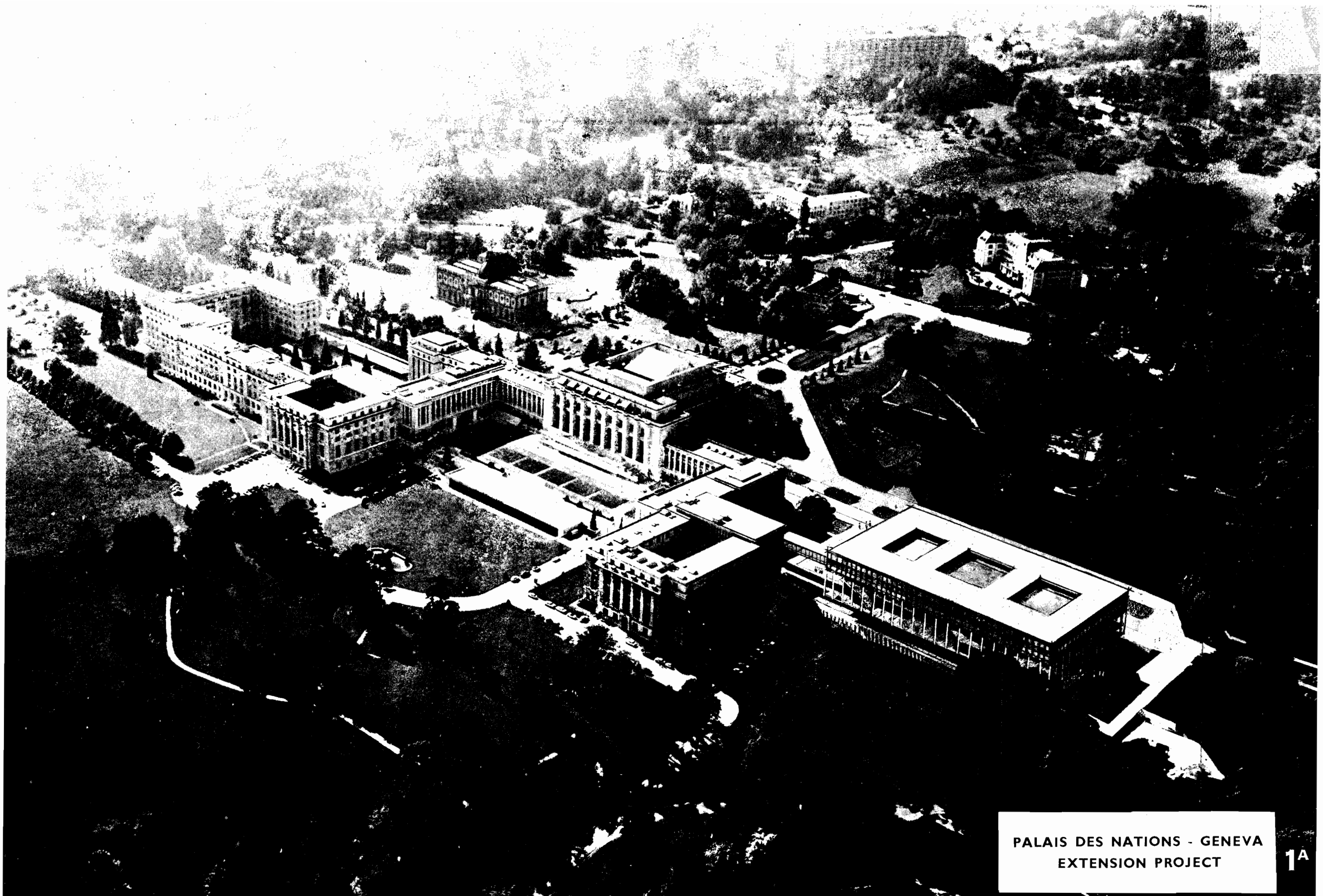
(c) Decide to finance the programme in such a way that the amount to be met from the budget estimates in successive years over the period 1967 to 1980, shall be:

	United States dollars
1967-1974	1,000,000
1975-1979	1,500,000
1980	495,000

(d) Decide to establish a special account in which all funds made available for the project of the extension of the Palais des Nations will be deposited and to which the unexpended balance of the annual appropriations will automatically revert.

ANNEX

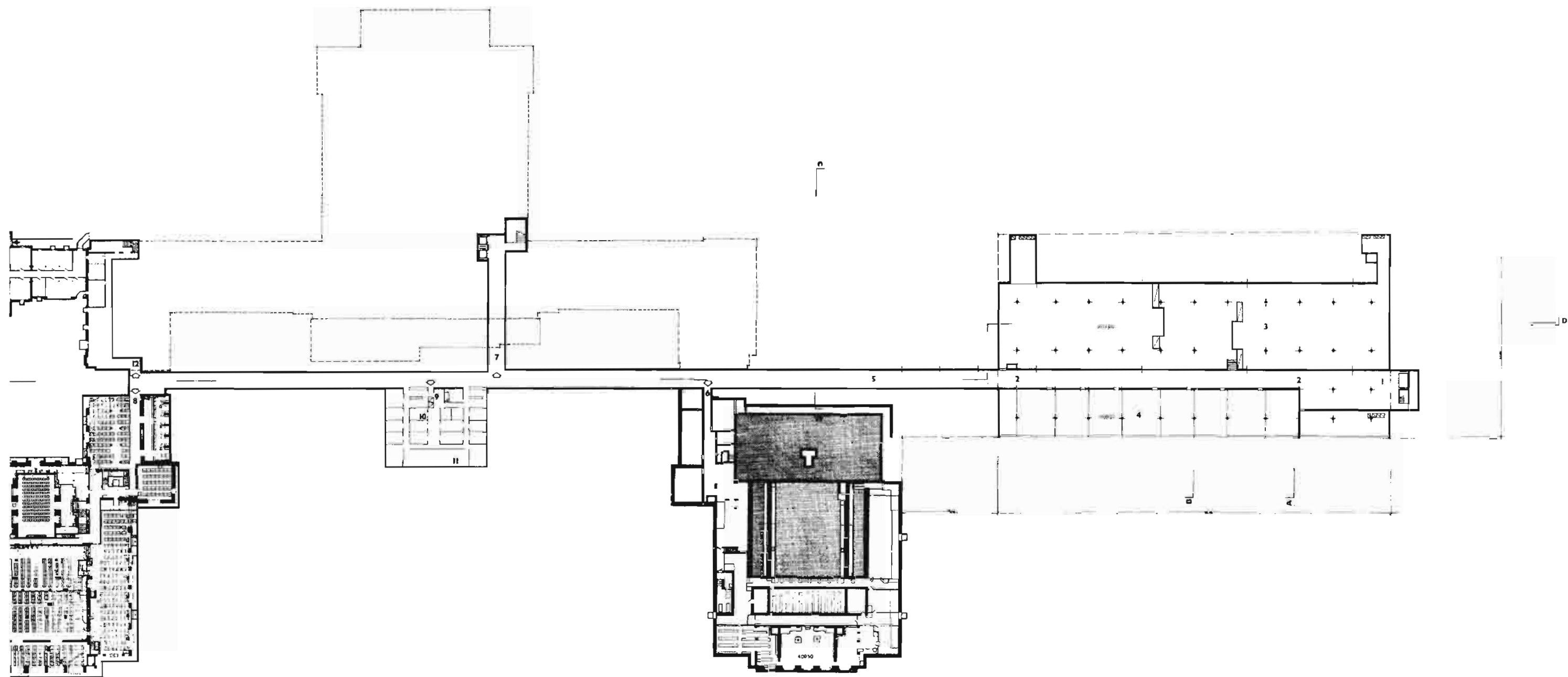
Photomontages and plans



PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT



**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

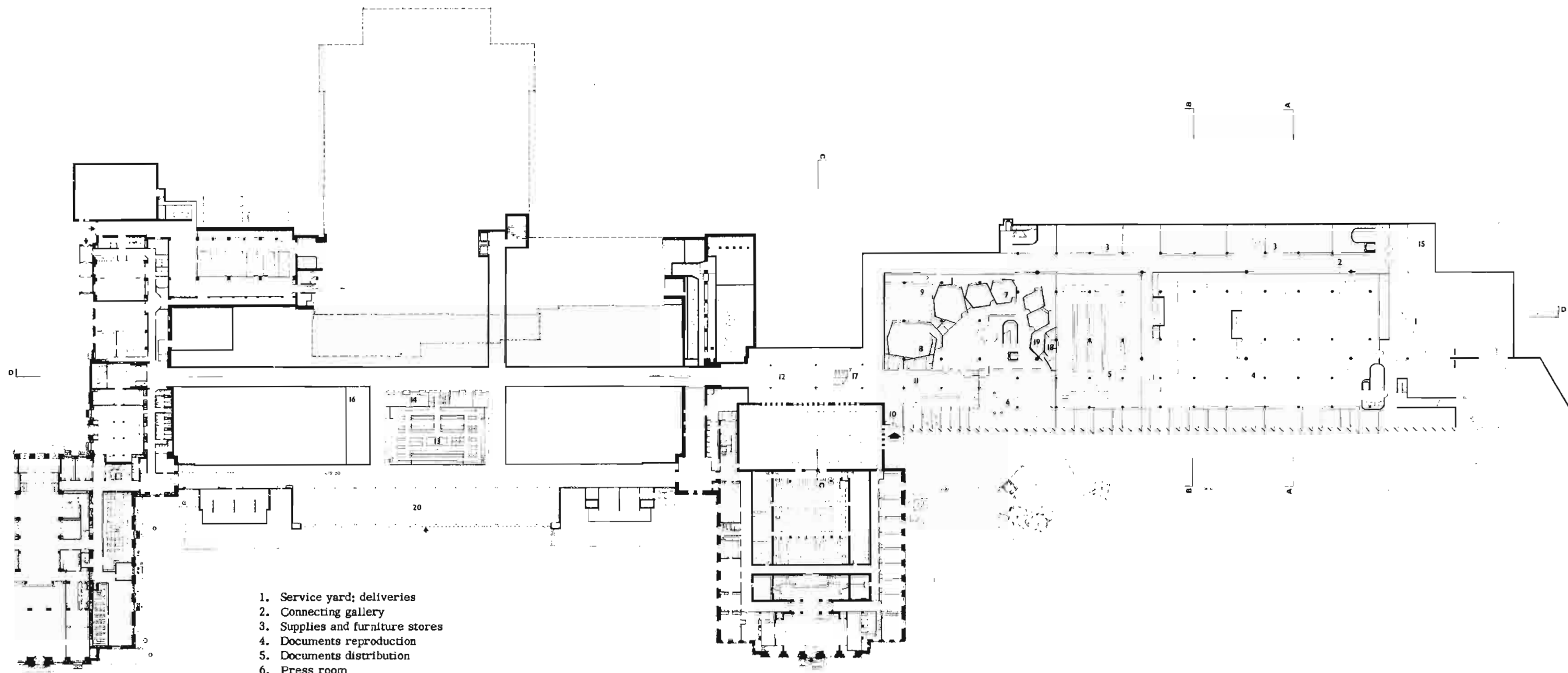


1. Deliveries
2. Connecting gallery
3. Air conditioning plant
4. Stores
5. Service tunnel
6. Access to Library Building
7. Access to restaurant
8. Access to Council Building and Secretariat Building
9. Access to cafeteria
10. Reserved
11. Cafeteria offices and restaurant
12. Access to D Building

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

BASEMENT - LEVEL 409.00

Scale 1:1,000

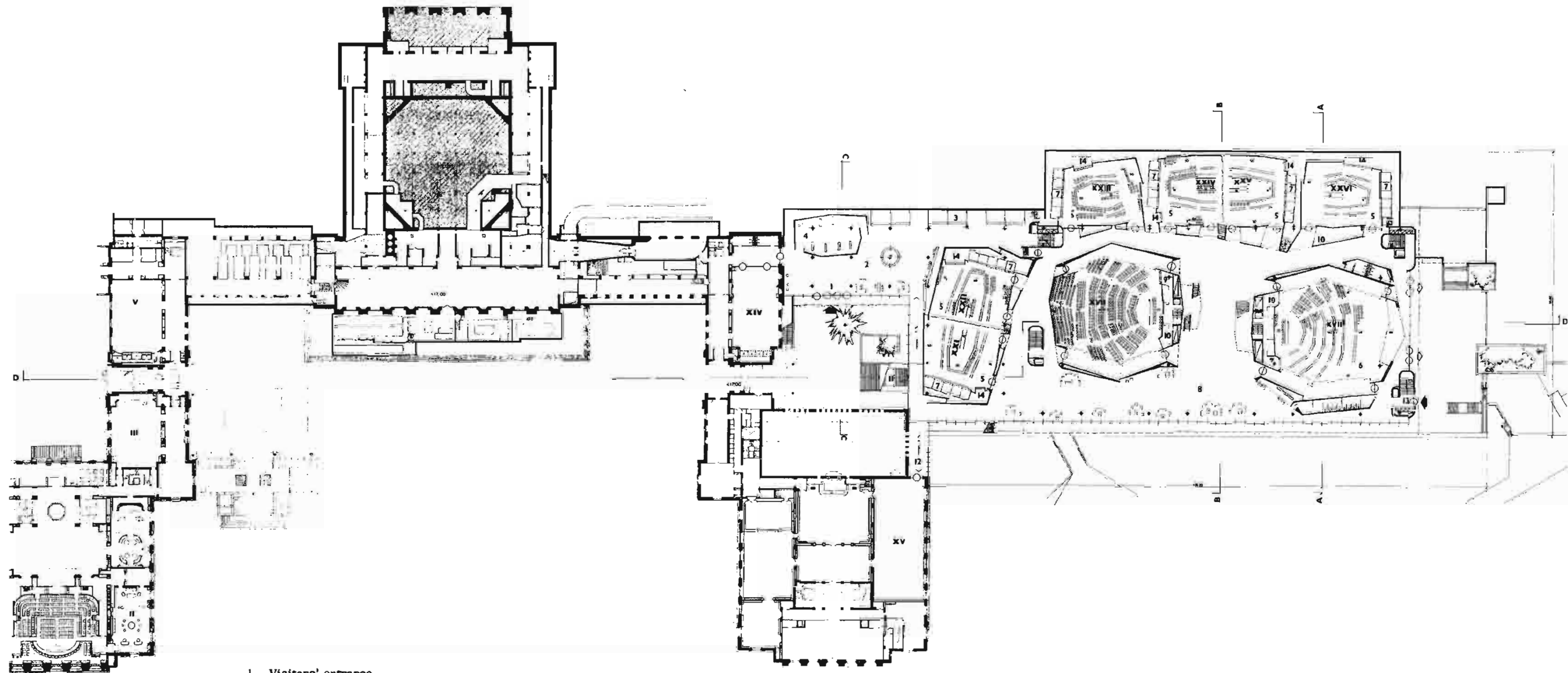


1. Service yard; deliveries
2. Connecting gallery
3. Supplies and furniture stores
4. Documents reproduction
5. Documents distribution
6. Press room
7. Broadcasting studios
8. T.V. studio
9. T.V. control room
10. Press entrance
11. Press lobby
12. Staff tunnel
13. Cafeteria extension
14. Shops
15. Post Office despatching
16. Cafeteria ventilation
17. Access to Conference Room level
18. Laboratory and dark room
19. Sound recording
20. Cafeteria

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

GROUND FLOOR - LEVEL 412.00

Scale 1:1,000

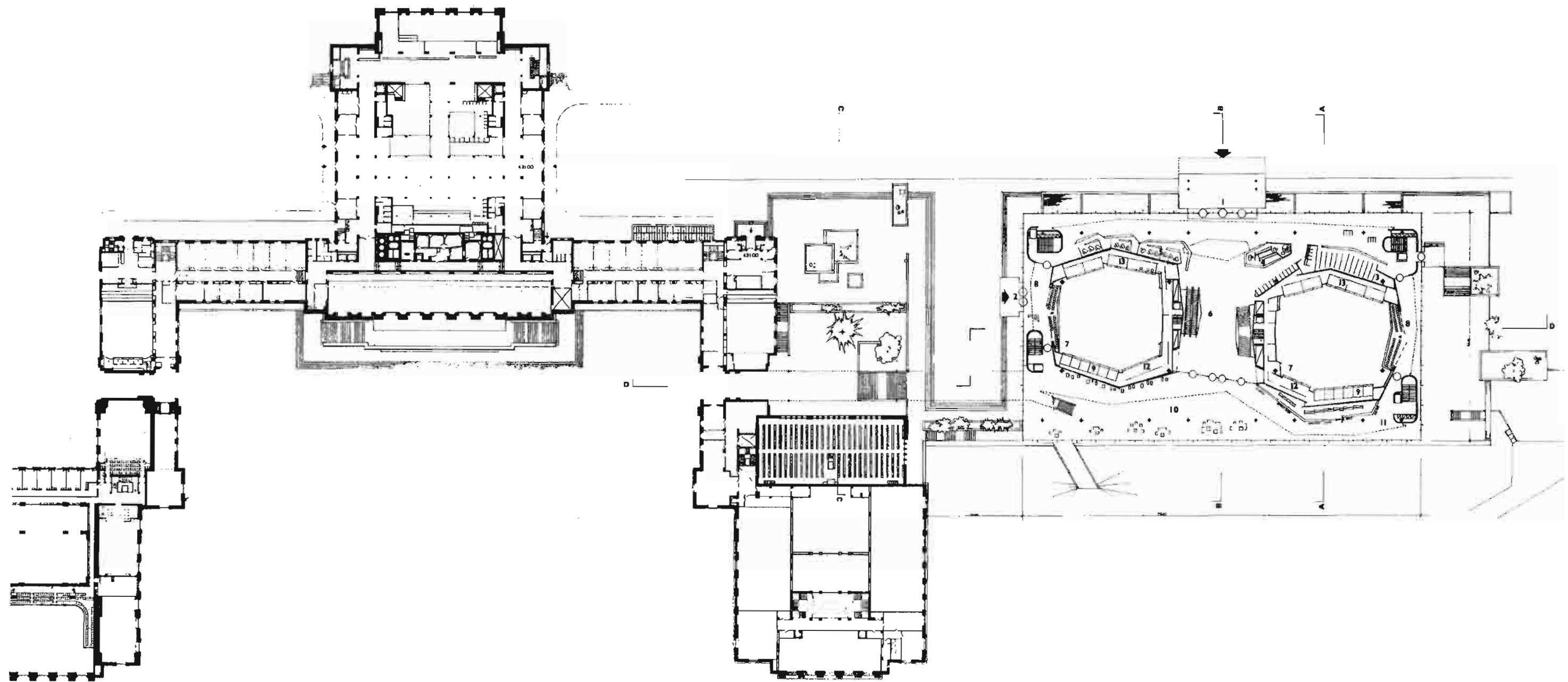


1. Visitors' entrance
2. Visitors' Lobby
3. Shops
4. Philatelic Museum
5. Six conference rooms seating 152
6. Two conference rooms seating 630 and 610
7. Interpreters' booths
8. Delegates' Lobby - exhibitions
9. Documents distribution
10. Chairmen's offices
11. Access to cafeteria
12. Communication with Conference Room XV
13. Staff entrance
14. Operator and sound recording
15. Room XIV (cinema)

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

FIRST FLOOR - LEVEL 416.00

Scale 1:1,000

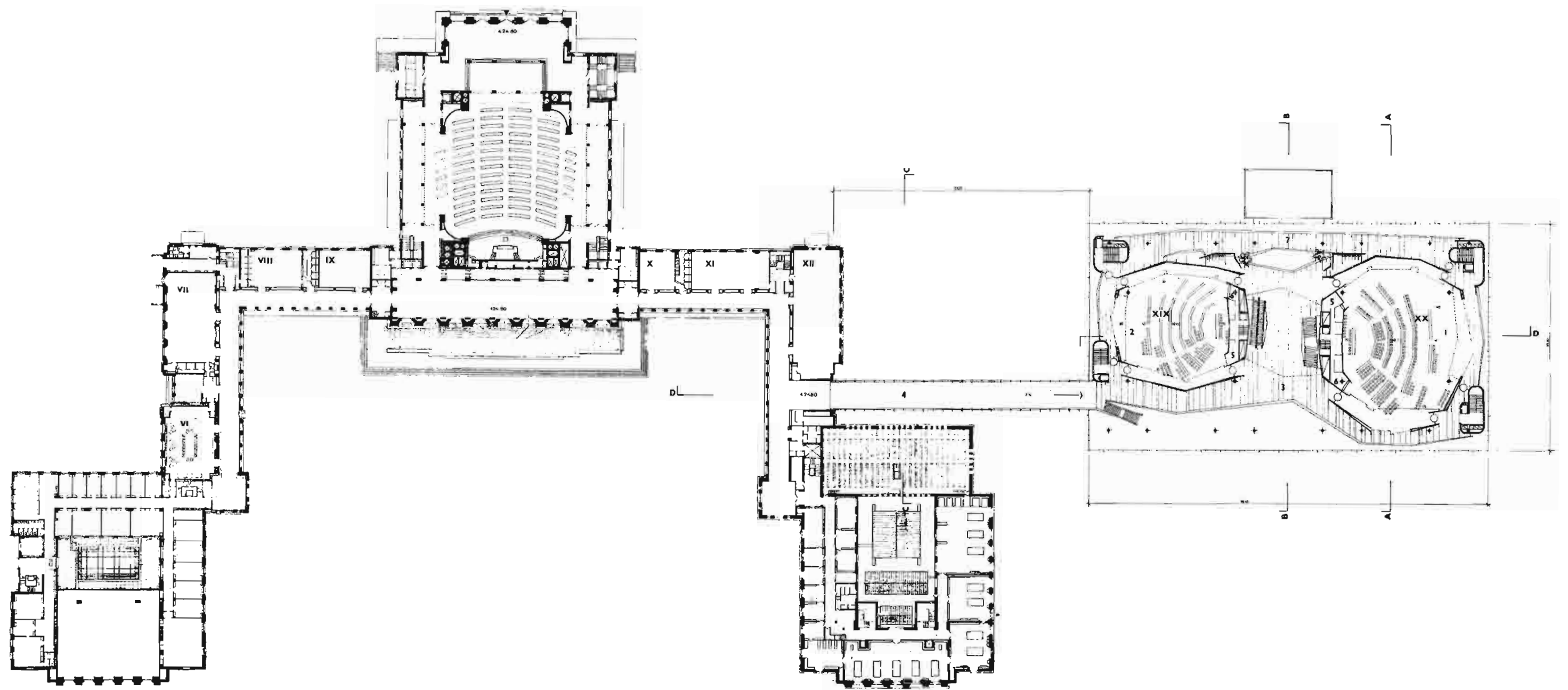


1. Delegates' entrance
2. Public and Press entrance
3. Cloakrooms
4. Information, documents distribution
5. Facilities
6. Hall with escalators
7. Space above conference rooms
8. Public gallery
9. Interpreters' booths
10. Delegates' Lounge
11. SnackBar
12. Operator and sound recording
13. Radio, television and photographers

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

SECOND FLOOR - LEVEL 421.00

Scale 1:1,000

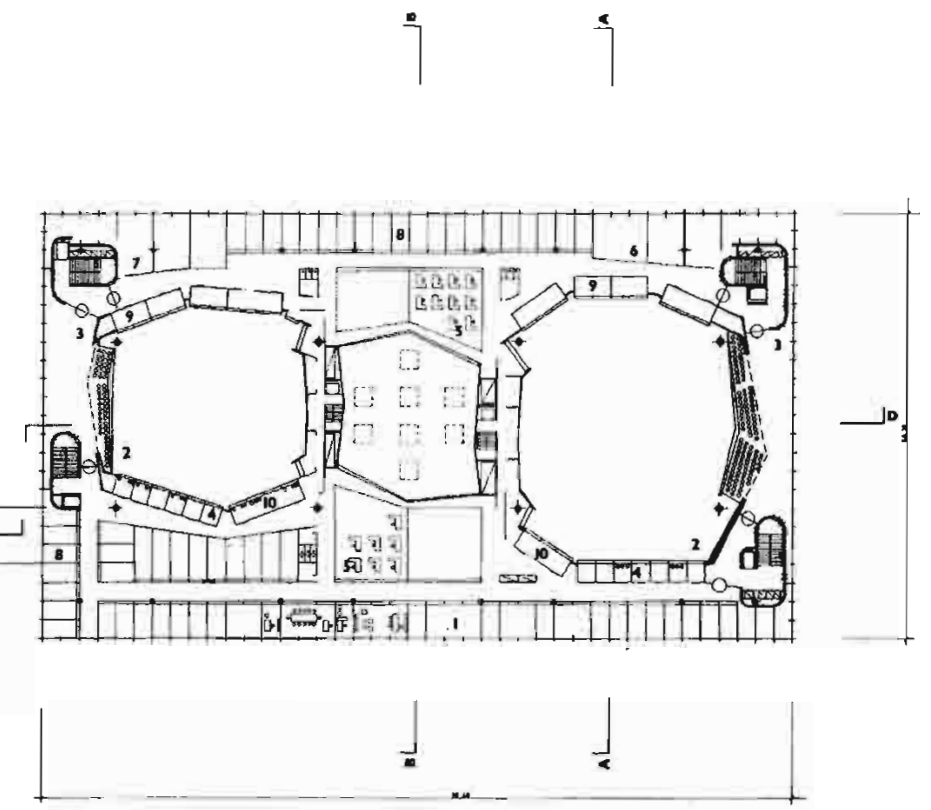
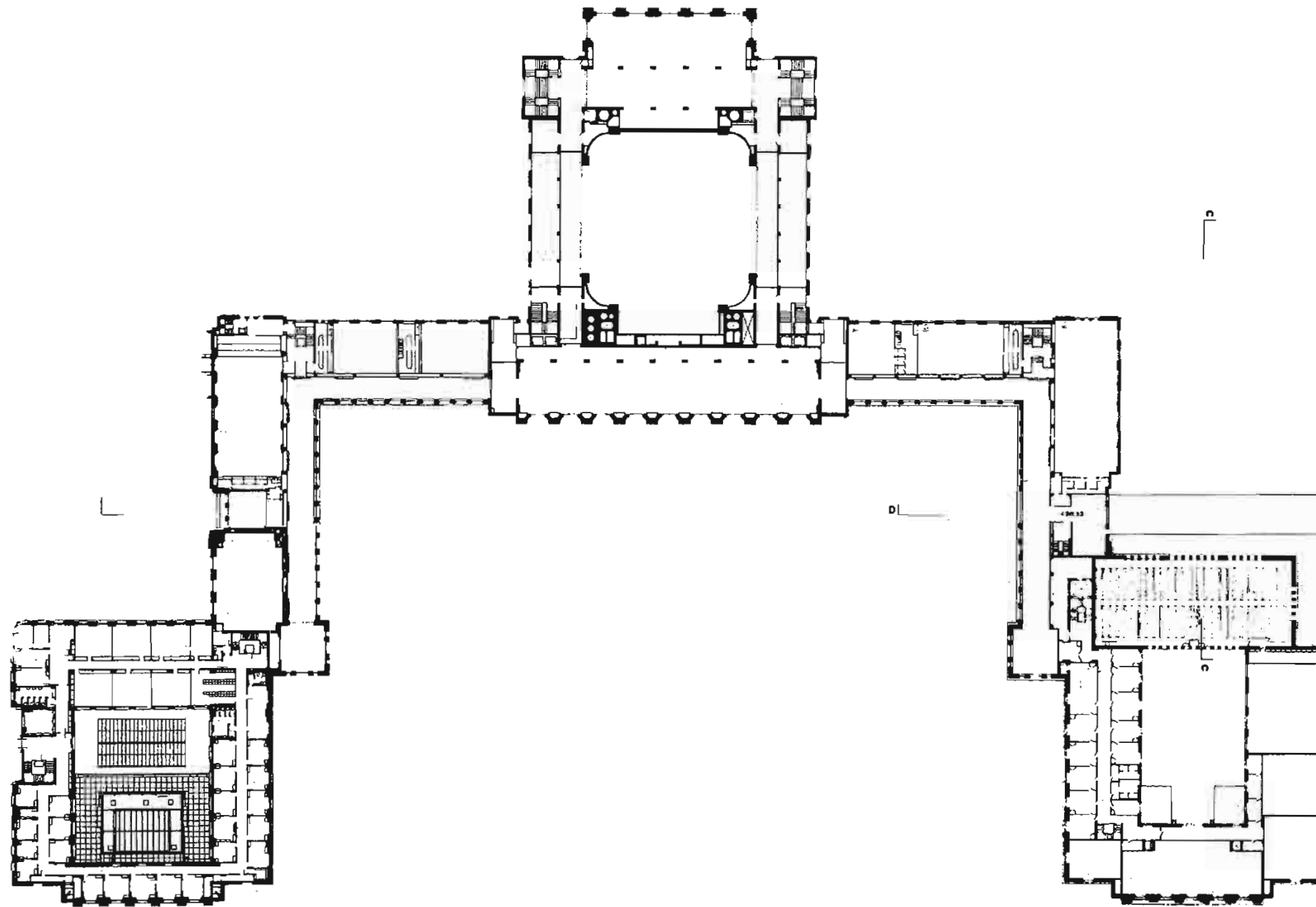


1. Large conference room seating 900
2. Conference room seating 620
3. Lobby
4. Communication with Palais
5. Presidents' offices
6. Documents distribution
7. Access gallery for public

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

THIRD FLOOR - LEVEL 425.80

Scale 1:1,000

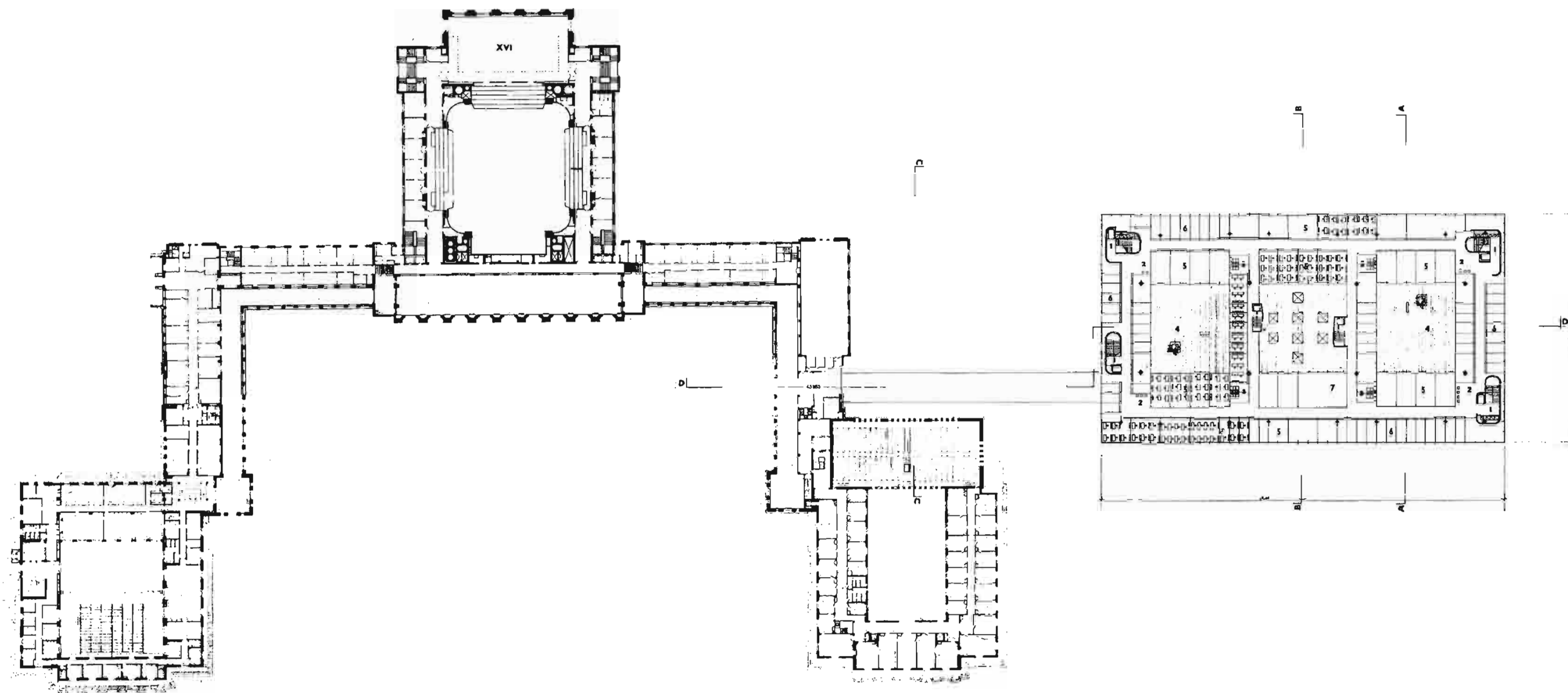


- 1. Presidents' offices
- 2. Space above conference rooms
- 3. Public gallery
- 4. Interpreters' booths
- 5. Typing pools
- 6. Interpreters' room
- 7. Offices
- 8. Offices
- 9. Radio, television, photographers
- 10. Operator and sound recording

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

FOURTH FLOOR - LEVEL 430.20

Scale 1:1,000

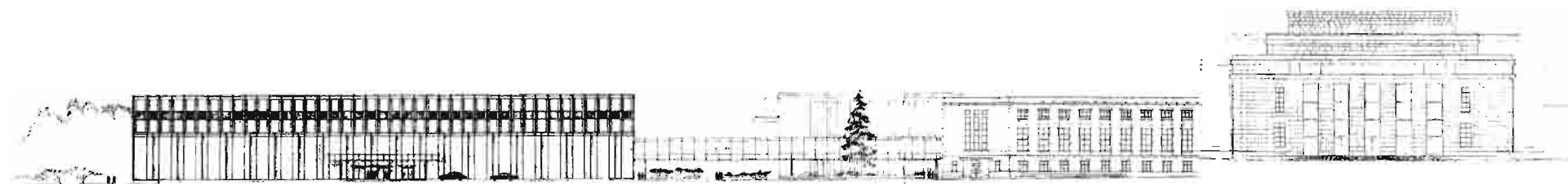


- 1. Stairs and lift
- 2. Free space
- 3. Lavatories
- 4. Terrace
- 5. Offices
- 6. Offices
- 7. Offices

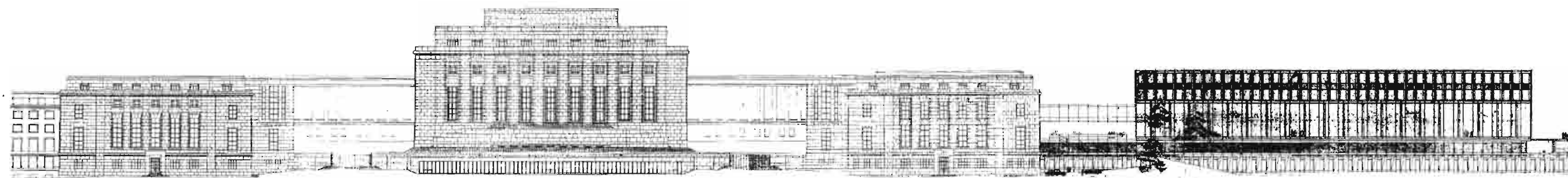
**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

FIFTH FLOOR - LEVEL 434.20

Scale 1:1,000



FAÇADE JURA SIDE

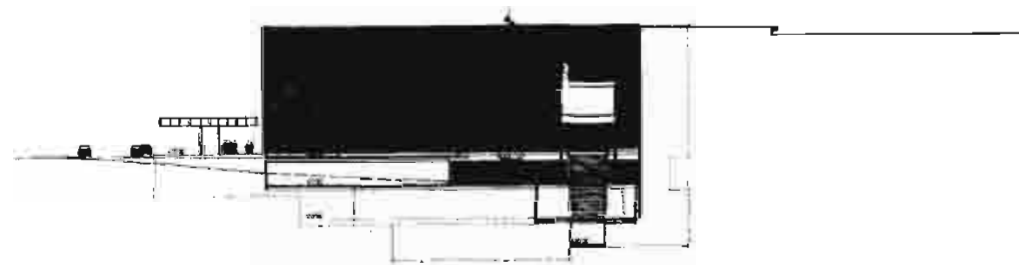


FAÇADE LAKE SIDE

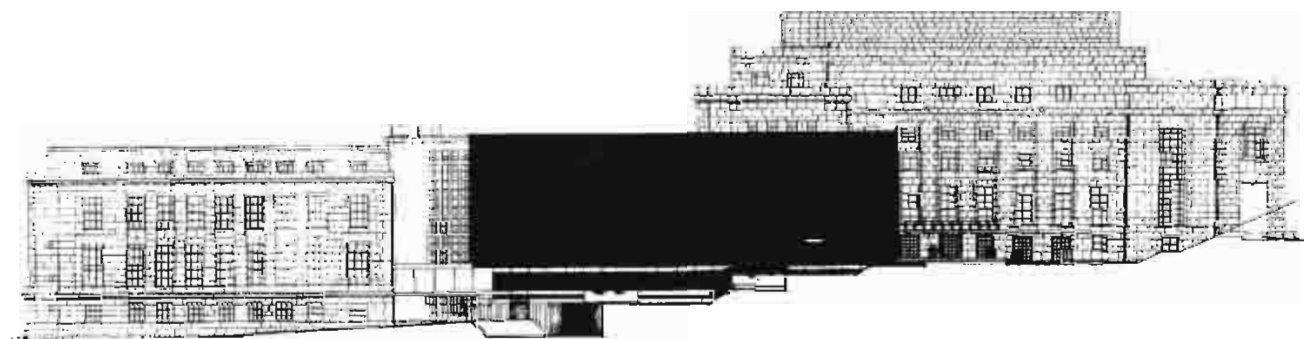
**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

MAIN FAÇADES

Scale 1:1,000



FAÇADE GENEVA SIDE

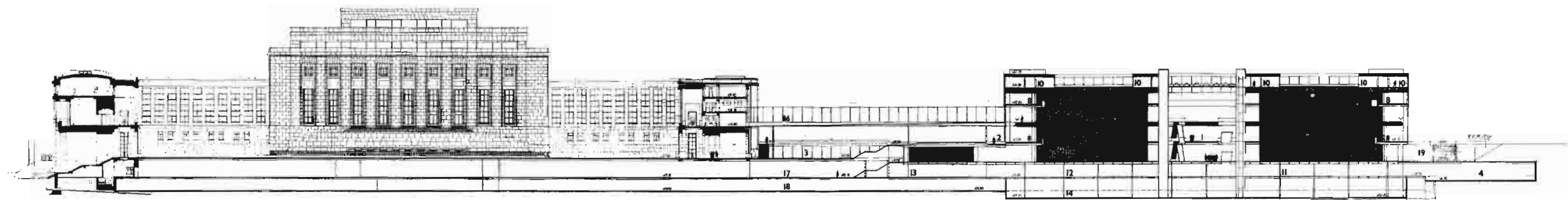


FAÇADE LAUSANNE SIDE

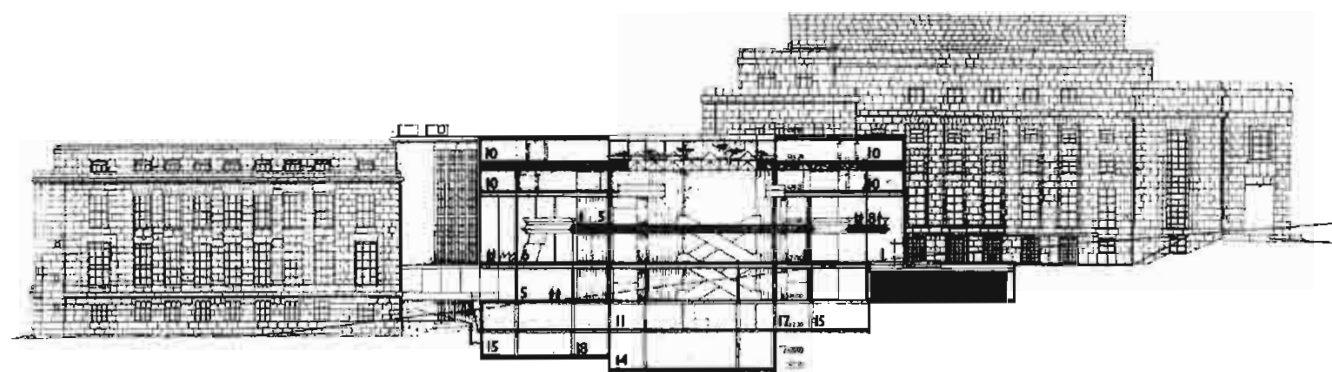
**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

LATERAL FAÇADES

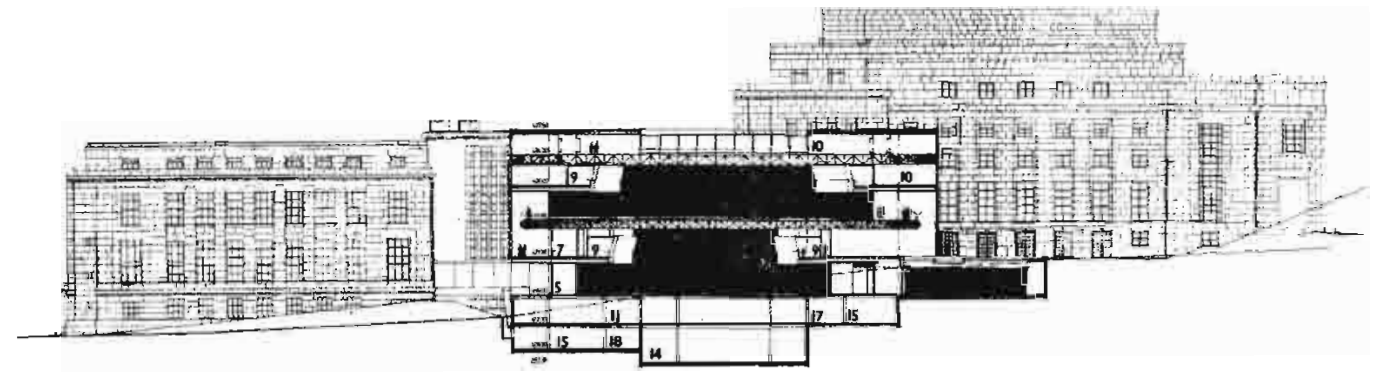
Scale 1:1,000



D-D



B-B



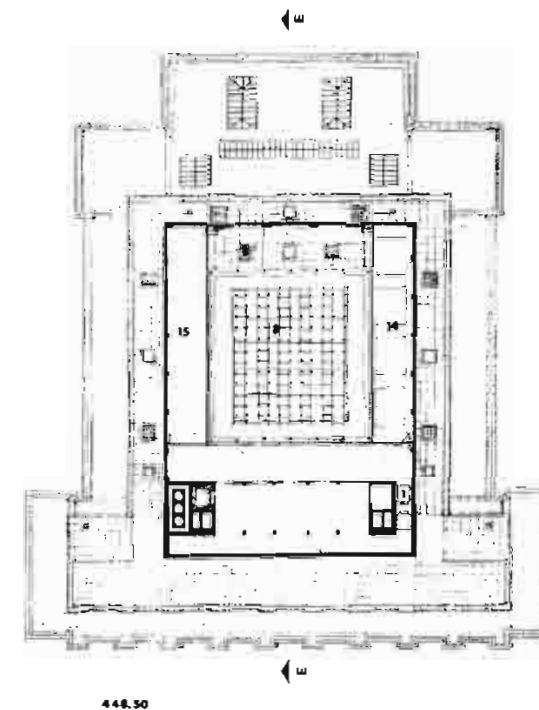
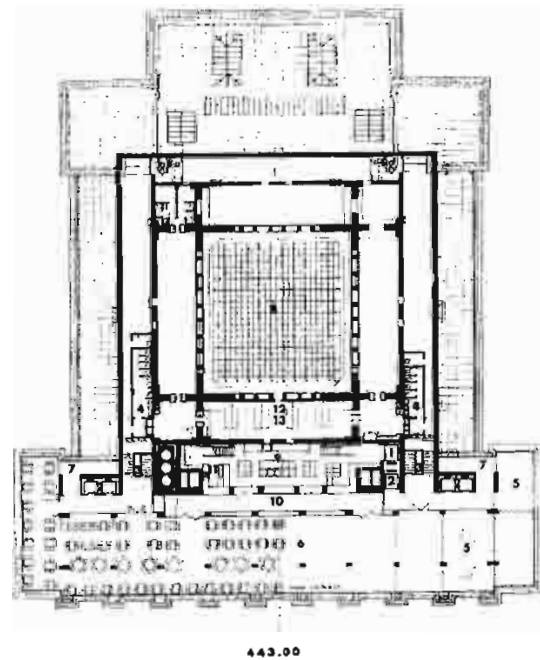
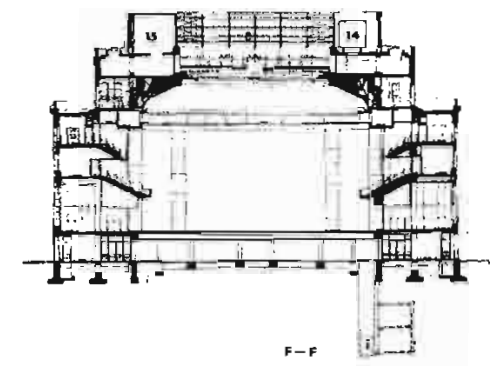
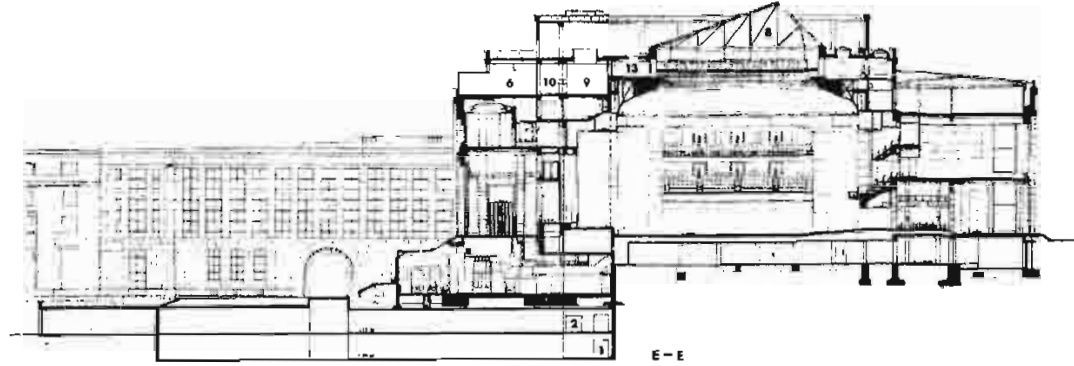
A-A

- | | |
|-------------------------|---|
| 1. Delegates' entrance | 11. Documents reproduction |
| 2. Public entrance | 12. Documents distribution |
| 3. Visitors' entrance | 13. Press |
| 4. Service yard | 14. Engineering services |
| 5. Lobby | 15. Store |
| 6. Delegates' Lounge | 16. Connecting gallery, 3rd floor |
| 7. Snackbar | 17. Communicating passage, ground floor |
| 8. Public galleries | 18. Service tunnel |
| 9. Interpreters' booths | 19. Staff entrance |
| 10. Offices | |

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

SECTIONS

Scale 1:1,000



1. Service lift
2. Delegates' lift
3. Staircase
4. Lavatories
5. Lounge
6. Restaurant
7. Cloakroom
8. Skylight
9. Kitchen
10. Pantry
11. Scullery
12. Preparation
13. Stores
14. Refrigeration towers
15. Ventilation rooms

**PALAIS DES NATIONS - GENEVA
EXTENSION PROJECT**

RESTAURANT

8th floor - level 443.00

Scale 1:1,000

DOCUMENT A/6524

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[22 November 1966]

I. INTRODUCTION

1. In its report dated 5 August 1966 (A/6385), the Advisory Committee on Administrative and Budgetary Questions submitted its observations on the Secretary-General's interim report (A/C.5/1054) on the proposed extension of the conference facilities at the Palais des Nations, at Geneva.⁸⁹

2. During its consideration of the Secretary-General's report at Geneva from 28 June to 8 July 1966, the Advisory Committee had the opportunity of examining the three different designs and plans for the proposed extension and it paid particular attention to the final design unanimously selected by the eminent Committee of Architects for submission to the General Assembly. In the light of its examination and the observations contained in paragraphs 26 to 33 of its report, and on the basis of the provisional proposals, the Advisory Committee gave approval to the Secretary-General to utilize the remaining half of the total credit \$150,000 authorized by the General Assembly under the terms of its resolution 2125 (XX), of 21 December 1965, for the preparation and finalizing of the plans and cost estimates for the proposed extension to the Palais des Nations, for submission to the General Assembly at its twenty-first session.

3. The Advisory Committee indicated that the Secretary-General's final submission should be made available to the General Assembly not later than October 1966, and that the report should provide full details of the physical aspects of the plan and include all foreseeable cost elements related thereto, to facilitate the Assembly's consideration of this important project. The Secretary-General's report to the General Assembly is contained in document A/C.5/1076.

II. DESCRIPTION OF THE PLANNED EXTENSION

4. In paragraph 21 of its earlier report (A/6385), the Advisory Committee gave a general indication of the conference and ancillary facilities proposed in the planned extension. The report under review (A/C.5/1076) gives a more detailed description of the total facilities, and while there is no major change in basic requirements, subsequent proposals for a relocation of some of the facilities has resulted in an increase of the total volume of work to be undertaken.

5. As now conceived, the proposed extension would be separated from the present Palais by a space of some 20 metres (65 feet), and located north-north-east of the existing premises (Lausanne side). This site was chosen to provide convenient, efficient and relatively short communications with the present buildings, to permit grouping of the four large conference rooms in as compact a space as possible, at the same time providing more committee rooms and related facilities

immediately adjacent to the larger rooms with easy accessibility, to preserve the unique setting of the Palais and balance the corresponding line of the existing Secretariat Building, and to provide the new extension with convenient access roads and adequate parking space.

6. The Secretary-General advises that some fifteen to twenty studies were made to satisfy the desired conditions before the final decision was taken and that the choice represents the best possible solution. The Advisory Committee understands that the Committee of Architects in September 1966 gave its general agreement to the revised proposals as regards the main lines of the structure and the interior facilities, and that final approval of the façade and other outstanding matters is expected shortly.

7. In order to assist the General Assembly in its consideration of the Secretary-General's present proposal, the Advisory Committee gives below a brief description of those facilities and services not previously covered in paragraph 21 of its earlier report.

(a) *Restaurant and cafeteria*

The initial proposal and estimates made provision for a restaurant in the new building. However, subsequent studies and consultations indicated that it would be preferable to enlarge the existing restaurant to more than double its present capacity, thereby accommodating approximately 400 instead of 170 persons. This would be accomplished by incorporating the existing dining area with the adjoining terraces at the top of the Assembly Building. Similarly, the plans now provide for the enlargement of the cafeteria in its present location, by moving the kitchen and offices and incorporating the existing passage areas.

(b) *Air-conditioning*

While air-conditioning is considered necessary for such areas as conference rooms and their booths, offices and the basements, the question of extending this facility to other parts of the new building is being examined with a view to reducing installation costs and of keeping future operating costs at as low a level as possible. In addition, it is proposed to insulate the outside walls of the structure against heat from the sun, thereby reducing the amount of refrigeration needed to air-condition the lobbies of the conference rooms.

(c) *Parking facilities*

The plan as submitted provides 500 covered parking spaces adjacent to the new building to be partly concealed by landscaping. Thus the car parks in the Palais grounds will provide space for a total of 1,500 vehicles. The Advisory Committee understands that the final decision on the location and nature of the new parking facility, i.e. whether to install it under cover or underground, will be taken in 1967 when more definitive cost estimates are available.

(d) *Means of communication*

The revised plans provide access to the new building at several levels, including a bridge at the third-floor level of the Palais, in order to have direct communica-

⁸⁹ For additional background information on this subject, see *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 58, document A/C.5/982; and *ibid.*, *Twentieth Session, Annexes*, agenda item 76, documents A/C.5/1009, A/5799, A/C.5/1040 and A/6137; and document A/5709 (mimeographed).

tion with the Assembly Hall, all the conference rooms on the main gallery and the new rooms XIX and XX. It is also considered necessary to provide communications at each of the lower levels corresponding to the first floor, ground floor and lower ground floor of the Palais, by means of access to room XIV and staircase number 17 on the first floor, and for a tunnel on two levels under the "Cour d'honneur", connecting the new building with the Library Building, the Assembly Building and the Council Building. The upper level of the tunnel is intended for general use and the lower level for service traffic.

(e) *Office space*

The original plans envisaged an estimated 300 new offices partly for the permanent language services and partly for the secretariat services attached to each conference. The present more detailed plans indicate a total floor space requirement of about 4,600 sq. metres (49,000 sq. feet) for these rooms (conference offices and space for the language and stenographic services). About 70 of the new offices, mainly on the fourth floor near the conference rooms, would be used during meetings by officers of the committees and the substantive servicing staff. The whole of the upper floor, corresponding to the fifth floor of the Palais, would be devoted to offices for the language services. The lower floor, which corresponds to the ground floor of the Palais, would accommodate the press services, premises for documents reproduction, distribution and certain storage facilities.

III. COST AND FINANCING OF THE PROJECT

8. At its Geneva meetings the Advisory Committee was informed that the total estimated cost of the proposed extension would amount to about \$12.5 million. The estimate was based on the level of prices prevailing at that time and excluded provision for any possible future cost increases. The costs as now estimated total some \$13.6 million for the complete project, including architects' and engineers' fees and an allowance for administrative costs. This amount has been based on 1966 price levels and excludes any provision for contingencies such as increases in the cost of labour and materials between now and 1970. Although the need of such increases cannot be determined with any precision at this time, the Secretary-General considers that an addition of about 10 per cent would not be unreasonable, bringing the over-all cost of the project to approximately \$15 million.

9. In paragraph 32 of its earlier report the Committee noted that the Swiss Federal Government was prepared to extend a loan of up to 65 million Swiss francs (approximately \$15 million) at 3 per cent interest, reimbursable over a ten-year period, to assist the United Nations, and that it had indicated its willingness to contribute a grant further to assist the Organization in the implementation of the proposed extension to the Palais des Nations. In paragraph 11 of his present report the Secretary-General confirms the offer by the Swiss Federal Government and the Republic and Canton of Geneva of a donation of 4 million Swiss francs (\$925,000) to cover part of the costs of the project. Additionally, with the approval of the Swiss Federal Council, the Fondation des immeubles pour les organisations internationales is prepared to grant a loan, as required, up to a maximum of 61 million Swiss francs (\$14,120,000) at 3 per cent interest,

reimbursable during a ten-year period, to assist in financing the project. Reimbursement of the loan would be made during the period 1972-1980 after the construction of the new building was completed.

10. Should the General Assembly approve the proposed extension, it is estimated that expenditures during the period 1967-1971 would be of the following order:

Year	United States dollars
1967	1,000,000
1968	2,300,000
1969	5,000,000
1970	5,700,000
1971	1,000,000

The Secretary-General recommends that these costs be met during the above period partly by the donation of the Swiss Federal Government and the Republic and Canton of Geneva (\$925,000), partly by budgetary appropriations in five annual amounts of \$1 million (total \$5 million), and partly by a loan from the Fondation des immeubles pour les organisations internationales (\$9,075,000).

IV. ADVISORY COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

11. Throughout its examination of the Secretary-General's proposals the Advisory Committee has been aware of the need of additional conference facilities at the Palais des Nations and has proceeded on the understanding that the Secretary-General and the executive heads of the specialized agencies are in agreement that the Palais will continue to be the focal point for international conference activity in Geneva. It has been indicated to the Committee that whereas several of the agencies have either constructed new premises or are contemplating building projects in Geneva, they all intend to continue to use the conference facilities of the Palais for their major conferences. Thus, the Advisory Committee has constantly borne in mind the combined needs, as they are at present known, and the anticipated short-term and future long-term needs of all the organizations based in Geneva.

12. Additionally, as noted in paragraph 27 of its earlier report, the Advisory Committee gave particular attention to the General Assembly's decision to establish the headquarters of UNCTAD in Geneva, which has added materially to the conference and meetings programme at the Palais. It should also be noted that the Geneva facilities have been used in the past, and may well be called upon in the future, to accommodate large conferences, such as those on disarmament and other major conferences, not excluding the possibility of holding a future General Assembly session at Geneva. Acknowledging all these requirements and the increased conference activity foreseen by the Secretary-General for future years, together with the trend towards greater participation, more complex and frequent meetings and conferences requested by Member States at Geneva, the Committee concludes that additional conference facilities and ancillary services will be needed at the Palais.

13. The Advisory Committee has compared the more detailed proposals and estimates of the Secretary-General (A/C.5/1076) for the extension of the Palais des Nations with his previous report (A/C.5/1054), and has taken into consideration the revised and new elements envisaged by him as a result of the studies

undertaken during the summer months and of the recommendations and plans prepared by the architects. In this connexion the Committee notes that a number of proposals were considered and rejected by the architects before the final decision was made, and that the ultimate choice, which is the result of a series of compromises, constitutes the best possible solution.

14. As outlined in paragraph 7 above, the present proposals of the Secretary-General include certain revisions to the original plans considered by the Advisory Committee at its summer session at Geneva. One other matter of interest is the proposal that the new building would be separated from the present Palais by a space of some 20 metres (65 feet), whereas the provisional plans called for a connexion between the new extension and the existing structure. This has resulted in the need for a bridge at the third-floor level of the Palais. The Secretary-General has mentioned the aesthetic problems this raises, but he feels that the functional necessity of direct communication with the Palais at the conference levels must be recognized.

15. Comparison of the provisional and more detailed plans for the main conference rooms and ancillary services and facilities shows that there is no change in the large conference room (room XX), with a 900-person seating capacity. Neither is there any basic change in the dimensions and seating capacity (610 to 630) of the three next largest rooms (rooms XVII, XVIII and XIX), although for functional reasons it has been found necessary to propose their relocation to ensure maximum utility and efficiency. It should be noted, however, that the original plans provided for the conversion of two of those rooms into one large conference room, thereby almost doubling the seating capacity. The characteristics of the six smaller rooms (rooms XXI to XXVI), each of which provides seating accommodation for 152 people, remain unchanged, and rooms XXI and XXII can be converted into a single room to seat 340 people. Originally, these six rooms were designed to be arranged in pairs with movable partitions, which would permit their conversion to three larger rooms, each seating about 300 persons.

16. The Advisory Committee has noted the very general proposal for the addition of about 300 new offices to accommodate in part the officers of commissions and committees and their substantive staff, and the permanent staff of the language services and other services as outlined in paragraph 7, sub-paragraph (e) above. It considers that a more precise appraisal of future office needs should be made, taking into account the projected needs in 1970, the number of existing offices which will be released by transfer of the language services staff from the present Palais to the new building, and the accommodation in the Palais of those staff and services at present located in rented premises outside the Palais des Nations.

17. The Advisory Committee has already mentioned in paragraph 7, sub-paragraph (c), that the final decision on the location and nature of the new parking facility will be taken in 1967 when more definitive cost estimates are available concerning its installation under cover or underground. It was indicated to the Committee that preliminary estimates revealed that the installation underground of adequate parking accommodation would approximately double the cost of surface

parking under cover. The Advisory Committee assumes that, in arriving at a final decision on this matter, the Secretary-General will take fully into account the total estimated expenditure involved, in addition to aesthetic and other considerations.

18. In paragraphs 8 to 10 above the Advisory Committee has given an indication of the costs and the suggested financing of the proposed extension to the Palais des Nations. In so far as the estimated costs are concerned, the Committee appreciates the Secretary-General's difficulty in presenting precise and firm estimates at this time. Although the Committee does not doubt the validity of the estimates, it is not in a position to make meaningful observations and recommendations on these global estimates. However, the Committee would look for some savings in the total amount of \$15 million, following the preparation of more definitive and itemized estimates and bearing in mind the generous provision for contingencies.

19. As regards the financing of the proposed extension, the Advisory Committee wishes to acknowledge the generous donation of 4 million Swiss francs (\$925,000) by the Swiss Federal Government and the Republic and Canton of Geneva, and the offer of a loan from the Fondation des immeubles pour les organisations internationales of up to 61 million Swiss francs (\$14,120,000) at 3 per cent interest, reimbursable over a ten-year period, to assist in financing the project. In this connexion, the Advisory Committee would recall that at its twentieth session, the General Assembly approved a programme of major maintenance and improvements for the Palais des Nations⁹⁰ commencing in 1966 at a total cost of \$4,894,200, and authorized the Secretary-General to accept the generous offer of the Swiss Federal Government of an interest-free loan of 8.5 million Swiss francs (\$1,967,000), reimbursable over the five-year period 1970-1974, and taking account of such repayment period decided that the amounts to be met from the budget estimates in the successive years 1967-1974, should be approximately equal, i.e., \$612,000 annually. With the aim of maintaining annual budgetary appropriations at similar levels and of keeping interest charges for the new loan as low as possible, the Secretary-General recommends that annual budgetary amounts of \$1 million should be continued until the year 1974 for repayment of the new loan and interest charges and thereafter be increased to \$1.5 million. The debt to the Fondation des immeubles pour les organisations internationales would therefore be liquidated within a nine-year period, with a final instalment to be made in 1980. Under such arrangements financing of the project would be as follows:

Year	Estimated requirements	Budget	Gift	Loan
United States dollars				
1967	1,000,000	1,000,000	—	—
1968	2,300,000	1,000,000	925,000	375,000
1969	5,000,000	1,000,000	—	4,000,000
1970	5,700,000	1,000,000	—	4,700,000
1971	1,000,000	1,000,000	—	—
TOTAL	15,000,000	5,000,000	925,000	9,075,000

20. Repayment of the loan at 3 per cent interest would result in the following charges to the regular budget of the United Nations in subsequent years;

⁹⁰ See foot-note 78.

Year	United States dollars
1972-1974 (annual amounts of \$1 million)	3,000,000
1975-1979 (annual amounts of \$1.5 million)	7,500,000
1980 (approximately)	495,000
TOTAL	10,995,000

21. Having examined the revised and more descriptive proposals of the Secretary-General for an extension of the conference and meetings facilities at the Palais des Nations, and bearing in mind its earlier on-site inspection of the existing facilities at Geneva, and the need for an expansion of such facilities to adequately service the anticipated future conference and meetings programme, the Advisory Committee recommends that the General Assembly give favourable consideration to the Secretary-General's proposals contained in paragraph 14 of his report (A/C.5/10/6).

22. According to the Secretary-General's proposals, should the General Assembly approve the project, it would be required to:

“(a) Authorize the Secretary-General to proceed with the plans for extension of the Palais des Nations within a maximum expenditure of \$15,000,000;

“(b) Authorize the Secretary-General to accept the offer of the Swiss authorities of a gift of 4 million Swiss francs (\$925,000) towards the cost of the project and to accept a loan, as required, at 3 per cent interest to assist in the financing and to be

repayable in instalments within the period 1972 to 1980;

“(c) Decide to finance the programme in such a way that the amount to be met from the budget estimates in successive years over the period 1967 to 1980, shall be:

	United States dollars
1967-1974	1,000,000
1975-1979	1,500,000
1980	495,000

“(d) Decide to establish a special account in which all funds made available for the project of the extension of the Palais des Nations will be deposited and to which the unexpended balance of the annual appropriations will automatically revert.”

23. Given approval of the proposal by the General Assembly, the Advisory Committee suggests that the Secretary-General include in his annual report to the Assembly at its twenty-second session on the implementation of the programme of improvements to and major maintenance of the Palais des Nations, a separate chapter on the progress made and the financial arrangements concluded with regard to the extension of the conference facilities at the Palais des Nations.

24. Adoption of the Secretary-General's proposal by the General Assembly would require an additional appropriation of \$1 million under section 7 (Buildings and improvements to premises) of the budget for the financial year 1967.

Accommodation at Headquarters

DOCUMENT A/C.5/1062

Report of the Secretary-General

[Original text: English]
[30 September 1966]

INTRODUCTION

1. During recent years the Secretary-General has, on several occasions, called attention to the increasing shortage of office space at Headquarters. In two detailed reports submitted in 1963 and 1964 to the Advisory Committee on Administrative and Budgetary Questions, the Administrative Management Service of the Office of the Controller reviewed the space available at Headquarters and analysed its utilization. In the 1964 report it was pointed out that “the present situation is that the building is completely occupied and that there are areas of overcrowding”. It was noted further that serious space problems were also being experienced in certain service areas such as those used for warehousing, storage of archives and documents, and documents reproduction.

2. In 1965 the Advisory Committee, in its report on the budget estimates for 1966,⁹¹ stated that “with the growth of the Organization and its activities, its physical facilities are becoming inadequate”, and that “it appears now that the point has been reached where, given the trends of growth of the Organization, the prospect of the need for a major addition to facilities

is evident”. The Advisory Committee added that “further studies are to be carried out, and the Committee will consider and report on such proposals as are put forward”.

3. The situation having continued to develop along the lines foreseen, the Secretary-General at this stage considers it essential to obtain the views and guidance of the General Assembly as to possible courses of action. Detailed information on the current space situation and on estimated future requirements have been provided to the Advisory Committee. The present report attempts to summarize the position. Part I reviews the present space situation at Headquarters. Part II describes possible courses of action which might be considered in the search for a long-term solution. Part III suggests certain initial measures which the Assembly may wish to consider and act upon in the course of its twenty-first session.

PART I. CURRENT SPACE SITUATION

Office space

4. During the period from October 1964, when the last office space review was made, to April 1966, when a further review was undertaken, the authorized expansion of the number of programmes and functions

⁹¹ Official Records of the General Assembly, Twentieth Session, Supplement No. 7, paras. 100-104.

of the United Nations Secretariat alone made it necessary for the Secretary-General to provide office accommodation for approximately 258 additional staff. Only a small portion of this increase could be accommodated by more intensive use of existing space and, in consequence, the Secretary-General was reluctantly compelled to ask the UNDP secretariat to move its headquarters to outside premises. This relocation, involving some 226 staff members, was accomplished in mid-1965. At present, UNDP occupies 60,234 sq. feet (5,596 sq. metres⁹²) of space in the nearby Alcoa Building, at 866 United Nations Plaza, at an annual rent of \$388,500.

5. Subsequently, and in the light of the continuing increased requirements of the United Nations Secretariat for the remainder of 1966, the Secretary-

⁹² The conversions from sq. feet into sq. metres, as given throughout this report and its annexes, are given in rounded figures.

General was similarly compelled to ask UNICEF to move its headquarters to premises outside; this move is now scheduled for 31 October 1966. UNICEF, for its staff of 234, will occupy 42,150 sq. feet (3,916 sq. metres) in the Alcoa Building at an annual cost of \$282,400.⁹³

6. Despite these measures, and with the current pace of recruitment against the authorized establishment, it is anticipated that by the end of 1966 all available space in the Headquarters buildings will be fully occupied, with some units of the Secretariat having to work in overcrowded and below-standard conditions. Moreover, no space will be available which can be specifically allocated for visiting personnel.

7. There follows a comparative statement of occupancy at Headquarters in October 1964 and April 1966 and a projection for the remainder of 1966:

⁹³ Not including costs of utilities and contractual cleaning services.

TABLE I. STATUS OF PERSONNEL ACCOMMODATED IN OFFICE SPACE AT UNITED NATIONS HEADQUARTERS

	October 1964	April 1966	Projected to end of 1966	
			Increase or (decrease)	Total
Secretariat, General Assembly and Conference Buildings ^a				
United Nations	3,409	3,667	256 ^b	3,923
UNICEF	232	234	(234) ^c	—
UNDP	226	^c	—	—
Specialized agencies and others ^d	329	355	—	355
TOTAL, all buildings	4,196	4,256	22	4,278
<i>Less:</i>				
Personnel accommodated in basements, Conference Building, Library and General Assembly Buildings, and/or those not requiring office space	571	632	—	632
TOTAL accommodated in Secretariat Building	3,625	3,624	22	3,646

^a Excludes UNITAR, which has its own premises.

^b In accordance with recruitment programme.

^c Transferred to the Alcoa Building.

^d Affiliates, contractors, correspondents, welfare groups, visitors, etc.

8. Annex I to the present report provides a statement of total staff accommodated in the United Nations Headquarters buildings and in the outside premises occupied by UNITAR and UNDP as of April 1966.

Areas of the United Nations buildings other than office space

9. A shortage of working and storage space continues to exist in the documents reproduction, mailing, warehousing, archives, and documents distribution areas in the second and third basements, despite various measures taken to improve the situation. For the most part, these services are still located in overcrowded and non-functional premises to the detriment of the efficiency of the operations.

10. Furthermore, the garage area in the basements is no longer sufficient to meet the actual car-parking requirements of delegates, staff and visitors. As a result, authorization has been given for delegates' cars to be parked in front of the Secretariat and General Assembly Buildings, as well as on First Avenue near

the delegates' entrance. Unavoidably, this has resulted in traffic congestion and inconvenience. The situation is particularly unsatisfactory during the General Assembly period.

11. Finally, the architectural and engineering survey undertaken in 1963⁹⁴ revealed that various facilities and installations at Headquarters, such as delegates' lounges and dining rooms and the staff cafeteria, would require extensive alterations and improvements if they were to meet adequately the current and anticipated requirements of the Organization.

12. As regards office space, the situation can be summarized as follows:

(a) The space available in the Headquarters buildings will be occupied to capacity by the end of 1966 and

⁹⁴ *Architectural and engineering situation on expansion of the permanent Headquarters of the United Nations*, published in November 1963 and distributed together with the mimeographed version of document A/C.5/993; for the printed text of that document, see *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 58.

there will be no relief for those departments and offices whose quarters are at present overcrowded and non-functional.

(b) Any additional increases in staff beyond those already authorized, including increases attributable to extra-budgetary programmes, would require the rental of outside accommodation.

(c) The staff of UNDP and that of UNICEF will be occupying outside premises at a total annual cost of some \$671,000 for rental alone, not including utilities, maintenance and other general services.

13. In respect of other space, the general position is that:

(a) Facilities for delegates are overtaxed;

(b) Areas for documents storage, warehousing, archives and related services are overcrowded and there is no room for expansion;

(c) Car-parking facilities are inadequate.

PART II. POSSIBLE COURSES OF ACTION

14. In the view of the Secretary-General, urgent consideration must be given to finding a solution to space problems on both a short-term and a long-term basis. For the short term, only one possibility would seem to exist, that is the rental of outside premises. For the longer period, several possibilities could be considered, including continued rentals, new construction

and/or transfer of activities and staff to other locations. These possibilities are discussed below.

Rentals

15. Preliminary inquiries have indicated that commercial space is obtainable in the general area of the Headquarters buildings. It would, therefore, be possible to continue to rent facilities to meet specific needs. However, such arrangements do not commend themselves, from the point of view of cost-effectiveness, as a long-term solution of the Headquarters' space problem, since, in addition to the cost of actual rentals paid, increased servicing costs would also be incurred, e.g., for utilities, contractual services, communications, messengers and security. Furthermore, the physical separation of offices is disruptive to the efficient conduct of substantive work and conference servicing.

16. For the guidance of the General Assembly in this matter, an attempt has been made to assess the financial implications during the next ten years of the rental of outside office space for the United Nations as an alternative to new construction. For this purpose it has been necessary to make certain assumptions as to the rate of growth of the Organization and its activities at Headquarters during the period 1967-1976. If past experience is to be applied, two alternative methods of calculation are indicated. Thus, as shown in the following table, the total number of staff in 1966 represents an annual average increase of some 2 per cent, if compared with the position in 1954; if compared with 1960, the increase would be of the order of 5 per cent a year.

TABLE 2

	Professionals' category and above	General Service	Total ^a	Increase for the years 1954-1966	Increase for the years 1960-1966
1954	1,352	1,646	2,998		
1960	1,217	1,628	2,845		
1966	1,586	2,078	3,664	666 (22.21 per cent)	819 (28.79 per cent)

^a Includes established posts under the regular budget and those financed from extra-budgetary sources; excludes posts for UNDP secretariat, UNITAR, UNICEF, other agencies or commercial groups.

17. On the basis of each of the two distinct growth patterns noted above, the approximate cost for outside

rental of space for Headquarters' activities during the next ten years may be estimated as follows:

TABLE 3

	Rate of growth	
	2 per cent per year (as for 1954-1966)	5 per cent per year (as for 1960-1966)
Annual increase in number of staff above 1966 level of 3,664	73 persons	182 persons
Annual increase in space to be rented	11,680 sq. feet (1,085 sq. metres)	29,120 sq. feet (2,705 sq. metres)
Annual increase in rental costs at \$6.50 per sq. foot	\$ 75,920	\$ 189,120
Total rental costs during the period 1967-1976	\$4,175,600	\$10,410,400

18. It must be noted, furthermore, that under the existing arrangements, UNDP and UNICEF alone would have to pay as from 1967 some \$671,000 per year in rentals for approximately 102,000 sq. feet (9,476 sq. metres)⁹³ which represents roughly five and a half

floors of usable space in the Secretariat Building. Thus, for the United Nations Secretariat at Headquarters and for these two programmes, based on their estimated respective growth patterns, the combined costs of out-

⁹³ The extent of the future space requirements of UNDP and UNICEF will depend on the future scope of their pro-

grammes, and on the new tasks, if any, to be assigned to them. Therefore, the data given is necessarily tentative and subject to further analysis and elaboration.

side rentals for the period 1967-1976 would be as follows:

TABLE 4

	For period 1967-1976	
	United States dollars	
United Nations (at 2 or 5 per cent annual growth rate) ..	4,175,600	or 10,410,400
UNDP (at 8 per cent annual growth rate)	5,242,200	5,242,200
UNICEF (at 4 per cent annual growth rate)	3,245,200	3,245,200
TOTAL	12,663,000	18,897,800

19. The detailed statistics of estimated personnel increases, space requirements and costs on which the foregoing conclusions are based are contained in annex II to the present report.

20. On balance, the Secretary-General suggests that the rental of space does not commend itself as a desirable long-term solution to the problem of accommodation at Headquarters. Moreover, the resultant dispersal of operations of the United Nations and its related agencies is contrary to the policy of common premises advocated by the General Assembly.

Transfer of functions to other locations

21. The possibility of relieving the Headquarters situation to any appreciable extent by transferring to other United Nations offices certain Secretariat groups which have limited functional dependency on other Headquarters departments is, in present circumstances, remote. Aside from the problem of determining which groups could efficiently discharge their responsibilities in other locations, the principal consideration is that at present and for the foreseeable future a shortage of office space already exists in the United Nations Office at Geneva and other major overseas offices. The current proposals for construction and improvements at the Palais des Nations at Geneva relate solely to the development of additional conference facilities and associated services.

Major construction

22. In the light of these circumstances, and unless there should be unexpected developments, such as a donation or the opportunity to acquire nearby premises under very advantageous conditions, the only recourse open to the Secretary-General is to propose for consideration by the General Assembly a major construction project on United Nations Headquarters premises. Account would also need to be taken of the alterations and improvements to existing premises as proposed in the architectural and engineering survey of 1963, as well as of the other requirements referred to in paragraphs 9 and 10 above.

Temporary arrangements pending construction

23. The Secretary-General shares the views expressed by the Advisory Committee, as recalled below, in connexion with temporary arrangements which would need to be made pending a new building being ready for occupancy:

“... it should be pointed out that the completion of any major construction project cannot reasonably be anticipated in less than three or four years

from its initiation. Thus, with current trends, it is likely that there will be need for further alterations to existing premises, for construction of permanent or temporary-type buildings or for increased recourse to rental arrangements, depending on the comparative advantages (financial and other) as among such solutions, which may all involve considerable expenditures.”⁹⁶

Formulation of plans and proposals for a major construction project

24. The first step in planning a major construction project would be to establish a detailed programme of space requirements covering the anticipated needs of the Organization in office accommodation and related service areas for, say, the next ten years. The assessment of such requirements is a complicated task about which judgements will inevitably differ. On the basis of this programme, an architectural and engineering survey would then need to be undertaken with a view to the preparation of detailed plans and related cost estimates.

25. In the preceding paragraphs and in the related annexes, the Secretary-General has attempted to gauge on a tentative basis the possible future needs for office space at Headquarters. In terms of new construction, these estimates and projections—details of which are to be found in annex III to the present report—would indicate:

(a) On the basis of an assumed pattern of growth of 2 per cent per year for the United Nations and as specified for UNDP and UNICEF, the construction of a building similar to the present Secretariat building, comprising approximately 21 floors; or

(b) On the basis of an assumed pattern of growth of 5 per cent per year for the United Nations and as specified for UNDP and UNICEF, a similar building but comprising some 32 floors.

26. There is, of course, a considerable element of conjecture in the estimates and projections given since they are based on past rather than future developments. Subject to whatever views the General Assembly may express, it may, therefore, be preferable initially to take a somewhat flexible approach in formulating a programme of space requirements upon which an architectural and engineering survey could be based.

Requirements of UNDP and UNICEF

27. Whatever basis for estimating future needs is decided upon, the Secretary-General would take into account the obligation to accommodate both UNDP and UNICEF in any new construction. In this regard, the Executive Chairman of the Technical Assistance Board and the Managing Director of the Special Fund provisionally accepted rentals in the Alcoa Building at least until some permanent arrangements can be made. The Technical Assistance Committee and the Governing Council of the Special Fund also accepted these arrangements on that understanding. In a letter, dated 11 April 1966, to the Executive Director of UNICEF,⁹⁷ the Secretary-General pointed out that he would hope that the move by UNICEF from the United Nations Headquarters would prove to be a temporary displacement and that a long-term solution to the problem of

⁹⁶ Official Records of the General Assembly, Twentieth Session, Supplement No. 7, para. 104.

⁹⁷ Document E/ICEF/AB/L.62, annex I (mimeographed).

office space could be developed which would enable all members of the United Nations family in New York again to be accommodated in common premises. The Administrator of UNDP and the Executive Director of UNICEF have recently addressed letters to the Secretary-General (see annexes IV and V below) in which they express a vital interest in the earliest possible solution to the general problem of office space in view of the unsatisfactory and uneconomical temporary arrangements which they have been compelled to make. Since the present lease entered into by UNDP in the Alcoa Building expires in August 1970 and that of UNICEF on 30 September 1971, it was hoped that the construction of any new United Nations building which might be agreed to could commence not later than early 1968, in order that it might be ready for occupancy not later than the middle of 1971. Both operations have indicated, moreover, that in their view a period of 15 rather than 10 years should be used in forecasting the extent of future space requirements.

PART III. PROPOSALS FOR FURTHER ACTION

28. It is assumed that the General Assembly would not wish to come to any conclusions on the important

issue raised in this report without being provided in due course with comprehensive plans and cost estimates for any possible new construction project. For this purpose, the Assembly might consider it appropriate to authorize the Secretary-General to undertake in 1967 an architectural and engineering survey for the purpose of presenting:

(a) An initial progress report to the Advisory Committee on Administrative and Budgetary Questions at its summer session in 1967;

(b) A full report to the General Assembly at its twenty-second session with detailed plans and cost estimates for the construction of a new building on United Nations Headquarters premises, as well as for alterations and improvements to the existing facilities referred to in paragraphs 9, 10 and 11 of the present report.

29. Pending guidance from the Assembly as to the nature and extent of any major construction project which it may wish to consider, it is not possible to give a precise estimate of the cost of undertaking the related architectural and engineering survey. Past experience, however, would indicate that a provision of the order of \$150,000 would suffice.

ANNEX I

Total staff accommodated in all buildings and office space occupancy as of April 1966

	Total personnel accommodated in all buildings					Office space available		Remarks
	Director and above	Professional	General Service	Un-classified	Total	Space		
						Sq. feet	Sq. metres	
United Nations Headquarters (in all buildings and basements) ..	201	1,449	2,283	323	4,256	453,269	42,110	Usable space in the Secretariat Building only
UNITAR (801 United Nations Plaza)	5	11	13	—	29	12,848	1,194	Usable space on four floors. Part of building is under construction*
UNDP (866 United Nations Plaza, Alcoa Building)	21	122	173	—	316	60,234	5,596	Rental space (gross) of which a part (12,955 sq. feet or 1,203 sq. metres) is under construction*
TOTAL	227	1,582	2,469	323	4,601	526,351	48,900	

* The usable office space not utilized as of April 1966 is shown below:

United Nations Headquarters (vacant)	1,370	127
UNITAR (under construction)	7,509	698
UNDP (under construction)	12,955	1,203
TOTAL	21,834	2,028

Annex II follows overleaf

Estimates of rental costs for United Nations,

(In United

NOTE. The following presentation is a rough estimate of the rental costs of outside premises for the New York-based staff of the United Nations—including UNCTAD, UNICEF and UNDP—until 1976, based on the various assumptions described below. The amount of UNDP and UNICEF future space requirements and rentals will depend directly on the future of their programmes, and on the new tasks, if any, to be assigned to them. Therefore, the data given in this chart is necessarily tentative and subject

	Staff 1966	Staff increase per year (average)	Space per person ^a in sq. feet (sq. metres)	Yearly re- quirement of additional space in sq. feet (sq. metres)	Rental cost per sq. feet per year ^b	Estimated	
						1967	1968
UNITED NATIONS							
<i>Assumption I</i>							
(a) Increase of staff between 1967 and 1976 to remain at the same rate as during 1954-1966 (2 per cent a year, 10 years = 20 per cent)	3,646 ^c	73	160 (14.9)	11,680 (1,085)	6.50	75,920	151,840
(b) Headquarters buildings to be used to capacity by the end of 1966; it would be necessary to rent outside premises to accommodate new staff as from 1967							
<i>Assumption II</i>							
(a) Increase of staff between 1967 and 1976 to remain at the same rate as during 1960-1966 (5 per cent a year, 10 years = 50 per cent)	3,646	182	160 (14.9)	29,120 (2,705)	6.50	189,280	378,560
(b) Same as under Assumption I (b) above							
UNDP							
<i>Assumption</i>							
(a) Staff to increase between 1967 and 1976 from 364 to 655 (8 per cent a year, 10 years = 80 per cent)	364 ^d	29	160 (14.9)	4,640 (431)	6.50	388,500 ^e	418,660
(b) Present rented premises to be used to capacity by end of 1967; it would be necessary to rent additional premises as from 1968							
UNICEF							
<i>Assumption</i>							
(a) Staff to increase between 1967 and 1976 from 234 to 328 (4 per cent a year, 10 years = 40 per cent)	234	9	160 (14.9)	1,440 (134)	6.50	282,400 ^f	291,760
(b) Present rented premises to be used to capacity by end of 1967; it would be necessary to rent additional premises as from 1968							
Total rental costs with assumption I for United Nations:						746,820	862,260
Total rental costs with assumption II for United Nations:						860,180	1,088,980

^a Rental space is on a "gross basis" which is approximately 25 to 30 per cent higher than "usable space".

^b The rate of \$6.50 per sq. foot corresponds to the prevailing rental rates in the area. It does not include the costs related to utilities nor possible increase in rentals.

^c For the purpose of this chart, only the personnel accommodated in office space in the Secretariat Building at the end of 1966 is indicated in this figure (3,413 + 233 staff in special-use areas = 3,646). UNITAR, which occupies a separate building,

II

UNCTAD, UNICEF and UNDP from 1967 to 1976

(States dollars)

to further analysis and elaboration with the operations concerned.

Findings. On the basis of the various assumptions indicated, the combined rental costs of the above-mentioned operations for the period 1967-1976 would vary between approximately \$13 million and \$19 million.

rental costs

1969	1970	1971	Sub-total 1967-1971	1972	1973	1974	1975	1976	Estimated grand total 1967-1976
227,760	303,680	379,600	1,138,800	455,520	531,440	607,360	683,280	759,200	4,175,600
567,840	757,120	946,400	2,839,200	1,135,680	1,324,960	1,514,240	1,703,520	1,892,800	10,410,400
448,820	478,980	509,140	2,244,100	539,300	569,460	599,620	629,780	659,940	5,242,200
301,120	310,480	319,840	1,505,600	329,200	338,560	347,920	357,280	366,640	3,245,200
977,700	1,093,140	1,208,580	4,888,500	1,324,020	1,439,460	1,554,900	1,670,340	1,785,780	12,663,000
1,317,780	1,546,580	1,775,380	6,588,900	2,004,180	2,232,980	2,461,780	2,690,580	2,919,380	18,897,800

is not included in this chart.

^d UNDP personnel as of April 1966 is 316. It is estimated that approximately 364 personnel would have to be accommodated by the end of 1966.

^e Actual space occupied (60,234 sq. feet, or 5,596 sq. metres) and rental costs to be paid by UNDP as from 1967.

^f Actual space occupied (42,150 sq. feet, or 3,916 sq. metres) and rental costs to be paid by UNICEF as from 1967.

Estimates of combined office space requirements for United

(In sq. feet)

NOTE: This table provides a broad outline of the estimated combined office space requirements of the New York based staff of the United Nations, including UNCTAD, UNICEF and UNDP until 1976, based on two different assumptions: increase of United Nations staff to continue during the next 10 years at the same rate (assumption I) as from 1954 to 1966, or (assumption II) as from 1960 to 1966. The data shown below on UNDP and UNICEF is not official. The size of their future office space requirements will depend directly on the future of their programmes, and on the new tasks, if any, to be assigned to UNDP and UNICEF. Therefore, the data given in this chart is necessarily tentative and subject to further analysis and elaboration: (a) with the operations concerned and (b) within an architectural and engineering study.

<i>(1)</i> United Nations including UNCTAD				<i>(2)</i> UNICEF				
<i>Assumption</i>	<i>Personnel^a</i> 1966	<i>Personnel</i> 1976	<i>Office space requirements</i> 1976	<i>Assumption</i>	<i>Personnel</i> 1966	<i>Personnel</i> 1976	<i>Office space requirements</i> 1976	<i>Assumption</i>
<i>Assumption I</i>								
Increase of staff to continue from 1967 to 1976 at same rate as from 1954 to 1966, or approx. 2 per cent a year (for 10 years: 20 per cent)	3,413	4,096	512,000 (47,566)	Increase of staff 4 per cent a year (for 10 years: 40 per cent) ..	234	328	41,000 (3,809)	Increase of staff 8 per cent a year (for 10 years: 80 per cent) ..
<i>Assumption II</i>								
Increase of staff to continue from 1967 to 1976 at same rate as from 1960 to 1966, or approx. 5 per cent a year (for 10 years: 50 per cent)	3,413	5,119	639,875 (59,446)	Same as above	234	328	41,000 (3,809)	Same as above

^a For the purpose of this chart, only the personnel accommodated in office space in the Secretariat Building at the end of 1966 is indicated in this figure (3,391 + 256 - 234 = 3,413). Provision of space for personnel (233) in special-use areas is shown in column (4). Provision of space for staff working in basements and other areas of Headquarters would have to be calculated separately. UNITAR, which occupies a separate building, is not included in this chart. Should an architectural and engineering survey be decided upon, UNITAR space requirements would then be re-considered.

^b Usable space available in Secretariat Building from 2nd to 39th floor. The space available in the UNITAR building (total 12,848 sq. feet or 1,194 sq. metres) is not included in these figures.

III

Nations, UNCTAD, UNICEF and UNDP from 1967 to 1976

and sq. metres)

The basic *per capita* allowance for staff occupying office space has been estimated at 125 sq. feet (12 sq. metres). This estimate has been calculated on the basis of United Nations experience and after consultations with space planners. It does not include special-use areas, corridors and mechanical space. All space in this table is calculated in sq. feet, with the equivalent in sq. metres in parentheses.

Findings. For purposes of comparison, this presentation shows that, in approximate terms, the office space required until 1976 would represent the construction of a secretariat building of 21 floors (assumption I) or 32 floors (assumption II). It does not include basements or possible increases in present facilities for reproduction, storage, parking, mechanical floors, etc.

(3) UNDP		(4) Space for special-use areas			(5) Grand Total			(6) Space available in 1966 Secretariat Building ^b	(7) Additional office space requirements to cover needs up to 1976	
Personnel 1966	Personnel 1976	Office space requirements 1976	1966	1976	Personnel 1966	Personnel 1976	Office space required up to 1976	Area	Area	Approximate equivalence in floors of Secretariat Building ^c
364	655	81,875 (7,606)	67,839 (6,302)	104,627 ^d (9,720)	4,011	5,079	739,502 (68,702)	453,269 (42,110)	286,233 (26,592)	20.8 floors (not including basements and increase of present facilities for reproduction, storage, parking, mech. floors, etc.)
364	655	81,875 (7,606)	67,839 (6,302)	125,701 ^d (11,678)	4,011	6,102	888,451 (82,540)	453,269 (42,110)	435,182 (40,430)	31.7 floors (not including basements and increase of present facilities for reproduction, storage, parking, mech. floors, etc.)

^c Average office floor in the Secretariat Building is 13,717 sq. feet (1,274 sq. metres) (calculation of average of usable space: 8th to 38th floor, less two floors for machinery).

^d Actual space used in 1966 for special-use areas is 67,839 sq. feet (6,302 sq. metres), increased by 10 per cent to 74,622 sq. feet (6,933 sq. metres) to show adequate space required in 1966. On that basis, average space per person for entire Secretariat is 20.6 sq. feet (1.9 sq. metres). This average has been used in this chart to take into account increases up to 1976 and the added consolidated needs of all organizations for special-use areas.

ANNEX IV

Letter, dated 12 September 1966, from the Administrator of the United Nations Development Programme to the Secretary-General

I am most gratified to learn that you are bringing to the attention of the General Assembly at its twenty-first session the urgent question of the accommodation at the United Nations Headquarters, including the headquarters of the United Nations Development Programme and the United Nations Children's Fund in New York.

I know that the decision to move the headquarters of the UNDP secretariat to premises outside the United Nations Headquarters buildings was taken only after the most careful consideration and when such a move had become unavoidable. Your concern and mine over the necessity of this move at substantial expense to our Programme resources was shared by members of our Governing Council, who expressed the earnest hope that these relatively expensive arrangements would only be temporary and that more satisfactory long-term solutions to the accommodation problem would be found soon.

Our current lease at 866 United Nations Plaza is due to expire in August 1970 and, ideally, we should have alternative permanent accommodation available at that time. At any rate, it is essential in planning such permanent arrangements to aim at the earliest possible date for the availability of the accommodation and, in any event, before the expiry of the lease of our sister programme, the United Nations Children's Fund, in October 1971. If we must have the new premises ready for occupancy by the middle of 1971 at the latest, I understand that construction will have to start at least early in 1968. This would require that detailed proposals should be submitted to the General Assembly in time for positive action to be taken by the Assembly at its twenty-second session, in the autumn of 1967. I would be grateful if you would convey to the General Assembly our sense of urgency in this regard.

The need for urgent action towards acquiring permanent premises on a basis other than expensive rentals stems also from another important consideration. Members of the United Nations have continuously urged—and I know that you are wholly committed to this position which I myself firmly believe in—that the maximum possible portion of every dollar that we have in our Programme should be made available for assistance to the developing countries. To the extent that we continue to pay increasingly expensive rentals for commercial space for accommodating our present and future staff and services, our resources applied to programme activities will be reduced at a correspondingly higher pace. It is therefore essential that other and more economical means must be found as soon as possible for the provision of appropriate and adequate accommodation for our secretariat.

For these reasons I strongly support the initiative which you have taken to bring this question to the urgent attention of the General Assembly. I further hope that the Assembly will

take quick action on your proposals, so that the preliminary work on detailed plans may be started without delay.

(Signed) Paul G. HOFFMAN
Administrator of the United Nations
Development Programme

ANNEX V

Letter dated 14 September 1966 from the Executive Director of the United Nations Children's Fund to the Secretary-General

Following receipt of your letter of 11 April 1966, and our conversations concerning the circumstances which made necessary your request that UNICEF move its headquarters from the office space it now occupies in the United Nations Headquarters, I brought the matter to the attention of my Executive Board. I informed the members that this request was made only after the most careful consideration of all factors involved and with your full understanding and sympathy for the problem the move would create for UNICEF and its programmes of assistance. I also informed them of your expressed hope that the move would be only temporary and that a long-term solution to the problem of office space could be developed which would enable all members of the United Nations family in New York again to be accommodated on common premises.

While recognizing that, under the circumstances, there was no practical alternative to the move, members of the Board expressed deep concern over the additional financial burden the rental of commercial space would impose on UNICEF and the consequent reduction of the resources available for aid to children in the developing countries. Therefore, in approving the negotiation of a five-year lease in the building at 866 United Nations Plaza, they requested me to explore the possibilities of permanent UNICEF accommodations in a new building at United Nations Headquarters or at some other location.

The members of the Board will share my pleasure in learning that you intend to raise with the General Assembly, at its coming session, the matter of additional accommodations, including those for the UNICEF and UNDP headquarters staffs in New York. We hope very much that speedy and affirmative action will be taken by this Assembly. We will move into our newly rented space next month under a five-year lease and I therefore urge that the target date for the new accommodations be not later than 1 October 1971. For the reasons stated in his letter to you of 12 September [see annex IV], I fully share Mr. Hoffman's sense of urgency in pressing for action at this session of the General Assembly.

(Signed) Henry R. LABOUISSSE
Executive Director of the United Nations
Children's Fund

Section 21 and income section 3**Revised estimates resulting from decisions taken by the Economic and Social Council at its resumed forty-first session****DOCUMENT A/C.5/1092****Report of the Secretary-General**

[Original text: English]
[5 December 1966]

1. In November 1966, during its resumed forty-first session, the Economic and Social Council considered two questions relating to the International Symposium on Industrial Development which have administrative and financial implications.

A. DATE AND SITE OF THE SYMPOSIUM

2. By resolution 1185 C (XLI), of 17 November 1966, the Council decided that the Symposium should

be held at Athens in the first three weeks of December 1967. Prior to that decision, the Secretary-General had submitted to the Council an estimate⁹⁸ or the additional costs which would be incurred if the Symposium were to be held at Athens, rather than at Geneva as had been assumed in the initial budget estimates for

⁹⁸ Official Records of the Economic and Social Council, Resumed Forty-first Session, Annexes, agenda item 5, document E/4276/Add.2.

1967 (A/6305). Under the terms of General Assembly resolution 2116 (XX), of 21 December 1965, such additional costs are to be reimbursed by the host Government. In practice, the expenditure is initially incurred by the United Nations against its regular budget and a corresponding amount is included in income section 3 (General income) in respect of the reimbursement by the host Government.

3. The amount to be so reimbursed had been estimated at \$101,400 on the basis of the draft rules of procedure of the Symposium, approved by the Council at its forty-first session (resolution 1180 (XLI), annex II). This estimate must, however, be modified in the light of the amendments to the rules of procedure which the Council subsequently approved at its resumed session, as explained below.

B. DRAFT RULES OF PROCEDURE OF THE SYMPOSIUM

4. By resolution 1185 A (XLI), the Council decided to amend rule 14 of the draft rules of procedure of the Symposium to read:

“Chinese, English, French, Russian and Spanish shall be the working languages of the Symposium.”

Since this decision of the Council involves the additional requirement of interpretation from and into Chinese, the Council was advised that the services of 6 interpreters for this purpose would entail an additional expenditure of \$6,600.

5. The Council also considered a note by the Secretary-General⁹⁹ which brought to its attention the observations made by the Advisory Committee on Administrative and Budgetary Questions in a report (A/6457, para. 15) on the cost of providing summary records to the Symposium. In the light of the concern expressed by the Advisory Committee, the Council decided, by its resolution 1185 B (XLI), to amend rule 16 of the draft rules of procedure of the Symposium to state that summary records would be provided only for plenary meetings. This decision makes possible a reduction of approximately 50 per cent in the staff and supplies required for summary records, as compared with the estimate initially given by the Secretary-General (A/C.5/1056, para. 115), and which was based on the provision of summary records for

two simultaneous meetings. The related reduction in expenditure would amount to some \$57,500 as follows:

(a) \$50,000 for staff (18 translators/précis-writers, 6 revisers, 32 stenographers/typists, 26 reproduction and distribution staff);

(b) \$7,500 for internal reproduction supplies.

6. Accordingly, in view of the foregoing changes in the draft rules of procedure of the Symposium, the provision of \$222,300 requested in the initial budget estimates for 1967 for the holding of the Symposium at Geneva (A/6305, para. 2.20) as subsequently revised (A/C.5/1056, para. 115) would be reduced to an amount of \$171,400 as a result of:

(a) An increase of \$6,600 in respect of Chinese interpretation;

(b) A decrease of \$57,500 as a result of the reduced requirement for summary records.

7. Furthermore, as mentioned in paragraph 3 above, these changes would also have repercussions on the estimated additional costs of holding the Symposium at Athens, since the number of staff needed to service the meetings would be reduced, with a corresponding savings on travel and subsistence costs. On this basis, the estimate of \$101,400 given to the Council would be reduced by \$24,000 to \$77,400. Consequently, this latter amount should be added to the Symposium budget and a corresponding amount entered in income section 3 with respect to the reimbursement by the Greek Government.

8. The following table gives an analysis of the estimated costs of holding the Symposium excluding pre-conference and post-conference costs. The first column shows the provision requested in the budget estimates for 1967 for Geneva on the basis of the initial rules of procedure: the second column indicates the reduced provision required as a result of the amendments to the rules of procedure adopted by the Council by its resolutions 1185 A and B (XLI); the third column represents the additional costs of holding the Symposium at Athens on the basis of the amended rules of procedure. The amount to be reimbursed by the host Government is, therefore, the difference between the third and second columns.

⁹⁹ *Ibid.*, document E/4277.

Expenditure item	Geneva		Athens
	Appropriation requested in 1967 budget estimates ^a	Reduced appropriation required as a result of Economic and Social Council resolutions 1185 A and B (XLI)	Estimated costs taking into account Economic and Social Council resolutions 1185 A and B (XLI)
	<i>United States dollars</i>		
I. Consultants	6,500	6,500	5,900
II. Travel and subsistence of substantive staff	22,000	22,000	28,600
III. Conference servicing ^b	155,000	111,600	154,200
IV. Information services	16,300	16,300	24,600
V. General expenses	22,500	15,000	35,500
TOTAL COSTS	22,300	171,400	248,800
REIMBURSABLE COSTS ^c			77,400

^a As indicated under section 2 (Special meetings and conferences) of the 1967 budget estimates (A/6305, para. 2.20), modified by revised estimates (A/C.5/1056, paras. 109-116).

^b A breakdown of this item is given in the annex below.

^c Excluding the facilities, local staff, supplies and equipment which the host country will be required to make available.

SUMMARY

9. The adoption of Economic and Social Council resolutions 1185 A, B and C (XLI) would have the following effect on the 1967 budget estimates:

(a) an increase of \$26,500 in the appropriation of \$560,000 requested under section 21 (United Nations Industrial Development Organization), chapter III (Special meetings and conferences on industrial development),¹⁰⁰ for the Symposium, including pre-conference and post-conference costs, for a total of \$586,500;

(b) the inclusion of an amount of \$77,400 under income section 3, to be paid by the Government of Greece.

¹⁰⁰ See *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 41, document A/6481, para. 32.

ANNEX

Details and comparative costs of conference servicing staff for the Symposium at Athens

Staff	Number	Cost	
		Geneva	Athens
		<i>United States dollars</i>	
Interpreters	22	25,300	39,000
Translators/précis-writers	35	36,000	43,500
Revisers	10	13,000	15,000

Staff	Number	Cost	
		Geneva	Athens
		<i>United States dollars</i>	
Stenographers/typists	53	23,000	43,300
Secretaries	5	2,500	4,700
Reproduction and distribution staff	34	7,200	a
Language services clerks	4	1,200	3,500
Meetings services staff	2	840	a
Ushers/guards	6	1,320	a
Sound technicians	4	1,240	a
Conference officer	1	—b	600
Administrative and financial officer	1	—b	600
Chief, language services	1	—b	600
Chief, stenographic services	1	—b	600
Documents control clerks	2	—b	1,250
Supervisors, documents reproduction	3	—b	1,950
Press officer	1	—b	600
TOTAL		111,600	154,200

a It is assumed that the host Government will provide, at its cost, all staff required in these categories.

b These supporting staff are available at no extra cost at the United Nations Office at Geneva, but would have to travel to Athens, with resulting costs, if the Symposium were held there.

DOCUMENT A/6631

Report of the Fifth Committee

[Original text: English]
[19 December 1966]

General discussion

Ad Hoc COMMITTEE TO EXAMINE THE FINANCES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

1. Under agenda item 74 the Fifth Committee considered the budget estimates of the United Nations for the financial year 1967. The Committee recommends a gross appropriation for 1967 of \$130,314,230 and an estimate for income (other than income derived from staff assessment) of \$8,392,626. The next expenditure for 1967 is thus estimated at \$121,921,604.

2. As regards the Working Capital Fund, the Committee recommends that the Fund should be maintained for 1967 at the level of \$40 million, as approved for 1964, 1965 and 1966.

3. The Committee also recommends an estimate of \$13,249,800 as staff assessment income for transfer in the course of 1967 to the Tax Equalization Fund from which credits are distributed to Member States in accordance with General Assembly resolution 973 (X), of 15 December 1955.

4. For its examination of the budget proposed for 1967, the Committee had before it, as basic documents, the budget estimates for the financial years 1967 submitted by the Secretary-General (A/6305) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/6307). Revised estimates for various appropriation sections were considered on the basis of reports of the Secretary-General and the Advisory Committee.

5. While most delegations reserved their detailed comments on the recommendations of the *Ad Hoc* Committee until such time as its report (A/6343) came up for consideration under a separate item on the agenda—item 80—most delegations took the opportunity to express their appreciation for the remarkable task it had performed. Almost without exception, these delegations indicated their full support for the recommendations contained in the *Ad Hoc* Committee's report and expressed the hope that they would be adopted by a unanimous vote. The potential benefits to the Organization by the implementation of these recommendations by all concerned were considered to be of prime importance to the future effectiveness and well-being of the family of international organizations.

FINANCIAL SITUATION OF THE ORGANIZATION

6. Many delegations drew attention to the fact that the financial situation of the Organization had not improved since the end of 1965 and expressed concern that a substantial deficit remained. That part of the consensus reached by the General Assembly during its nineteenth session at the 1331st plenary meeting on

1 September 1965, which related to the solution of these difficulties by voluntary contributions had not as yet been fulfilled except by a limited number of States. It was recalled that the crisis had arisen not as a result of budgetary practices but of disagreement on the financing of peace-keeping operations. A number of delegations drew attention to the inclusion in the regular budget of certain provisions which they considered illegal and in the financing of which they consequently could not participate. Unless these provisions were eliminated, this would add to the cumulative deficit. By the same token, the experience of the past should be studied in order to determine ways and means of avoiding a recurrence of similar situations in the future. The hope was generally expressed that Member States would give evidence of their faith in the future of the Organization by making early voluntary contributions in a spirit of co-operation. It was essential that the financial well-being of the Organization should be restored if it was to cope with its ever-increasing responsibilities.

PRESENTATION OF THE BUDGET ESTIMATES

7. A number of delegations expressed appreciation of the lucid and comprehensive manner in which the budget estimates for 1967 had been presented. The inclusion for the first time of an annex which distributed the estimates by object of expenditure and by main field of activity was particularly welcome and had been of great assistance. This annex went a long way towards meeting the wishes of certain delegations for a budget presentation which would clearly indicate the relationship between programmes and costs. It also represented a sensible compromise with reference to the recommendation of the *Ad Hoc* Committee of Experts that, pending the possible achievement of a uniform budget presentation by the various international organizations, organizations using the breakdown by object of expenditure should also provide a functional breakdown by field of activity. The annex would also have the virtue of providing additional information on costs in relation to activities while preserving the existing method of appropriating funds and thus maintaining the central financial control which was essential for administrative efficiency.

8. It was felt by other delegations that additional comparative detail was needed for each major field of activity, which would make it easier to distinguish between expenditures for administrative purposes and expenditure for operational activities. The view was expressed, moreover, that it would be logical to divide the budget itself into an administrative budget and an operational budget. Such a presentation would give an over-all review of the needs to be satisfied, the programmes envisaged and the manner in which the contributions of Member States were to be used.

9. One delegation expressed the conviction that the United Nations should endeavour to present a consolidated programme and budget document. The new annex met this requirement only in a limited way.

10. On the other hand, the view was expressed that it would be prudent not to call for too rapid or too drastic a change in the form of budget presentation. It would be better to allow the current evolution towards a more consolidated presentation to take its course. The inclusion of a new annex, giving a comprehensive breakdown of expenditure was a step in the right direction. There should be a certain caution with regard

to suggestions for a closer integration of budget and programme policy.

GROWTH OF THE BUDGET

11. The Secretary-General, in the general statement that he made at the 1124th meeting of the Fifth Committee on the budget estimates for 1967, indicated (A/C.5/1065, para. 14) that he considered these estimates as conservative in that they provided little room for growth to meet the continuing upward trend in activities. Many delegations agreed with this assessment; others were not convinced that the marked increase over the level of the appropriations for 1966 corresponded to the actual expansion of activities. Others were concerned at the high ratio of administrative expenses as compared with the cost of operational activities.

12. Delegations speaking in support of the Secretary-General's estimates recalled that the Organization was in a process of constant development and had to cope with increasingly numerous and more complex problems. The growth in the related expenditures was a factor which had to be accepted if the United Nations was to carry out successfully the responsibilities entrusted to it. Particularly welcome was the increasing share of expense devoted to the economic and social development of less privileged countries. All Member States must be prepared to develop and improve co-operation between nations. Governments should also be prepared to take substantive action to ensure the effective functioning of the Secretariat and to give the Secretariat fair conditions in which to pursue its task.

13. While it was important to ensure that available resources were used in the most effective way, the developing countries had in any event made it clear that they could not accept any ceiling or fixed rate of growth for operational activities. Any containment of the overall level of expenditure should therefore not be at the expense of essential activities, but might rather be achieved by better co-ordination to avoid duplication of effort, long-term planning and the establishment of an order of priority. Much could also be achieved by strict budgetary control and careful administrative planning and deployment of available resources and the maintenance of the highest standards of efficiency. Above all, a policy of restraint and common sense was required.

14. There need be no conflict between the desire for the expansion of activity and maximum economy. In this regard, Member States could not deny their responsibilities. Control of expenditure ultimately depended on the willingness of Member States to curtail their demands on the Organization. Where those demands were beyond the resources that the membership was prepared to provide, a proper order of priority had to be determined. If the membership set no limit to its demands, uncontrolled expansion of expenditure was unavoidable.

15. The existence of numerous and more or less isolated sources of initiative and centres of action, and the absence of an all-embracing strategy which would give sense and direction to the future expansion of activities were largely at fault. Much would be gained if Governments made an effort to improve co-ordination between their delegations to various conferences and meetings, although a great deal could be done if the Secretariat itself took steps to ensure better co-ordination. Since the family of organizations already had a unique instrument that would serve the purpose, the

Administrative Committee on Co-ordination, the task could be entrusted to that body, and its findings might be taken into account by the Economic and Social Council with a view to the preparation of a general plan which would relate programmes to present and prospective budgetary resources.

16. A number of delegations were unable to regard the constant increase in the level of the budget estimates with equanimity. Reference was made to the increasingly heavy burden on developing countries, aggravated by difficulties in obtaining foreign exchange.

17. In the view of a number of delegations special efforts by the Secretariat were called for to improve administrative efficiency and general economy. Staff costs represented the largest single component of the budget. In particular, there was an urgent need for measures to simplify the unwieldy structure of the Secretariat, to eliminate its superfluous components—particularly in the Department of Economic and Social Affairs—to ensure the rational transfer of staff between sections and departments. New activities did not necessarily require an increase in staff. A fuller use of existing staff, and their redeployment following a re-evaluation of the relative importance of existing activities, was indicated. Thus, it would be possible to avoid, at the beginning of 1967, having an expected 150 vacancies in the Professional category alone. In certain units there was a tendency towards inflation of staff. There was also a disproportionate number of General Service and Manual Workers staff. The increases for temporary assistance and for experts and consultants were also questionable.

18. One delegation requested an annual report on the reduction or elimination of activities in various areas and on measures taken to use the staff thus liberated to satisfy the Organization's legitimate needs. Information concerning the volume of work arising from new programmes might be adduced in support of proposed additional staff costs. In the same context another delegation observed that the General Assembly and other organs should keep programmes under constant review with the aim of discontinuing any project which was no longer of prime significance and necessity.

19. In referring to the success achieved by the Secretary-General in keeping the total level of posts requested for 1967 to the level approved for 1966, it was noted that it had been necessary to request certain additional staff for new activities that had subsequently intervened. Some further strengthening might prove necessary in certain sectors in the course of 1967. The Secretary-General had indicated that it would be his intention to meet these needs through the flexible use of the totality of the credits available to him. These efforts were to be commended and it was to be hoped that for 1968 he could again maintain total staff requirements within the over-all level approved for 1967.

20. One delegation urged that other delegations consider fully whether an over-all reduction in the 1967 budget estimates in the amount of \$1 million should not be made. This delegation set forth specific suggestions for reduction totalling \$1.1 million which it believed could be made and result in increasing the efficiency of the Organization. In this connexion the delegation in question felt that the estimates for personnel were unduly high, not in accordance with the Fifth Committee's recommendation at the twentieth session of the

General Assembly,¹⁰¹ and that they could safely be reduced. These reductions were in no way a reflection on the excellent work done by the Advisory Committee which had done a very fine job in facilitating the work of the Fifth Committee.

ADMINISTRATION OF THE APPROPRIATIONS

21. Certain delegations were of the opinion that the budget appropriations, once approved, allowed administrative organs too much latitude. All too frequently additional expenditures were incurred under the General Assembly's annual resolution on unforeseen and extraordinary expenses, leading to the submission of supplementary estimates. In a sense the General Assembly's decisions on a previous action were thereby by-passed. In certain cases programme changes had resulted in within-section transfers for entirely unrelated objects of expenditure having no identity with the programmes for which the funds had been appropriated by the General Assembly. This was a problem requiring further study. A review should be made of the practice of transfers between chapters and it might be necessary to impose a limitation. The General Assembly might assist the Secretary-General by adopting an appropriation procedure which would restrict to some extent such transfers of appropriations from one chapter to another, particularly in cases where large sums were involved.

22. In the same context it was pointed out that in the case of certain autonomous organizational units whose provisions were contained in a single section, greater latitude existed than the Secretary-General himself had under other sections of the budget.

PROGRAMME OF CONFERENCES AND MEETINGS AND VOLUME OF RELATED DOCUMENTATION

23. Most of the delegations participating in the general discussions devoted particular attention to the problem of the proliferation of conferences and meetings and the growth in the volume of related documentation. The Secretary-General had in recent years repeatedly warned that this particular activity had reached unmanageable proportions in terms both of the capacity of the Secretariat to provide adequate substantive and technical servicing and of the ability of Member States to participate to the best advantage. The problem had been considered in some detail by the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies and it had submitted a series of useful recommendations on the subject (A/6343, para. 104). The Advisory Committee on Administrative and Budgetary Questions, in its report on the 1967 estimates, had expressed the view (A/6307, para. 48) that the time had come for the General Assembly to give its urgent and special attention to the matter and commended a suggestion which had been made by the Special Committee on Co-ordination of the Economic and Social Council¹⁰² that the General Assembly should establish a committee to deal with the programme of meetings. It would be necessary for such a committee, in drawing up recommendations to the General As-

¹⁰¹ *Ibid.*, *Twentieth Session, Annexes*, agenda item 76, document A/6223, para. 27.

¹⁰² See *Official Records of the Economic and Social Council, Forty-first Session, Annexes*, agenda item 3, document E/4215, para. 60.

sembly, to consult with the various bodies concerned with other sectors of United Nations programmes and in particular with the Economic and Social Council. It would, of course, also be necessary to consult at all stages with the Secretary-General in considering re-arrangement of programmes, since he alone was in a position to advise on the size, the scheduling and the nature of conference activity which might be within the capacity of the staffing and other resources available. The establishment of such a committee of the General Assembly had subsequently also been advocated by the Secretary-General.

24. A number of delegations cautioned that sight should not be lost of the fact that conferences and meetings constituted a unique means by which all Member States, large and small, might as equals express their views and discuss their problems. Such meetings were, moreover, the natural expression of an international body's negotiating function, and any measures to combat proliferation, though they should be firm, should not be carried to the point where they interfered with the exercise of that function. Without questioning this aspect of the matter, most delegations accepted the need to reconcile the demand for more conferences and meetings with available resources and facilities and the ability of Member States to derive the proper benefit from these activities. The vast proportions of the related documentation to be digested was not the least of the disadvantages of an over-ambitious meetings programme; the costs incurred were often out of proportion to the results achieved. There was the added difficulty of recruiting qualified personnel to supplement existing staff. Certain delegations were of the opinion that the only effective solution would be to impose a financial limit on expenditures on conference activity in any one year. Others felt that it should be possible to rationalize the meetings programme by the establishment of priorities in relation to available resources and the importance of meetings to the greatest number of Member States. The duration and frequency of sessions of regular bodies might also be limited to advantage. It was realized that any such measures might be difficult. An element of subjective judgement would be involved and a conflict of interests was bound to arise from time to time. No solution could be found without the co-operation of Member States and the exercise of discipline on their part. Attention was drawn in this regard to the futility of Member States making statements indicating concern over the growth of conferences and meetings for the convening of which they themselves were in the main responsible. Many delegations, therefore, considered that there was much merit in the proposal that the General Assembly itself should assume the leading role in the control and co-ordination of the programme of meetings through the creation of a committee, responsible solely to the Assembly, to determine real priorities and devise the most orderly calendar of meetings possible. This would be in line with the right of the General Assembly to approve the programmes of all United Nations bodies. That committee's recommendations would, of course, have to be founded on a careful and balanced assessment of the relative merits of the proposals submitted to it. The Secretary-General would play an important role in this process inasmuch as he was in the best position to assess the practical implementation of a particular meeting and to judge when and where it should be convened. There would, finally, be no question of the new body trespassing on the essential responsibilities

and functions of other organs, but there would need to be some formal understanding that no final decisions about proposed meetings could be taken until it had submitted its comments, which the organs concerned should take fully into account.

25. Many delegations considered that there was also an urgent need for a comprehensive study of the related documentation problem. Documentation could be reduced in volume without affecting its quality. The Secretary-General might be requested to instruct the Publications Board to examine all possible means of achieving this objective. Serious reconsideration should also be given to the number of United Nations organs which were being provided with verbatim records.

CREATION OF AUTONOMOUS ORGANIZATIONAL UNITS WITHIN THE SECRETARIAT

26. A number of delegations made reference to the comments which had been made by the Secretary-General in his foreword to the budget estimates on the subject of the recent phenomenon of creating autonomous organizational units within the Secretariat. These developments raised serious questions of organizational authority and responsibilities and were not altogether consistent with the concept of a unified Secretariat working as a team towards the accomplishment of the main goals of the Organization. On the contrary, it might tend to have the adverse effect of pitting one segment of the Secretariat against the other in competition for the necessary financial support for its own work programmes. Such a situation might well result in undue preoccupation with future requirements to the detriment of ensuring the effective and efficient use of existing credits and resources. Furthermore, practical experience over the years had shown that substantive arms of the Secretariat could not operate effectively in isolation from the central administrative, conference and general services on which they depended. To the heads of these services the Secretary-General had delegated day-to-day control and planning responsibilities which could not be diminished without detriment to the general interest of the United Nations.

27. In its related report, the Advisory Committee had associated itself with these remarks. Subsequently, in the general statement on the budget estimates that he made to the Fifth Committee at its 1124th meeting, the Secretary-General gave the assurance that, within the framework of basic organizational requirements, mutually satisfactory administrative and servicing arrangements had already been established with UNCTAD. It was his hope that, with the co-operation of all concerned, equally satisfactory relationships could be worked out with UNIDO.

28. A number of delegations upheld the concept of a unified Secretariat and of a single central administration to support all the activities of the Organization. These delegations considered that a trend towards administrative autonomy of individual units would be wasteful and inefficient. One delegation recalled that when the United Nations Secretariat had first been organized, the Preparatory Commission had considered whether each United Nations organ should not have its own secretariat. The reasons why that concept had been rejected were still valid. The Fifth Committee's ability to carry out the function of budget examination could also be affected if it became too difficult to control the expenses of autonomous organs. On a related point, certain delegations regretted the tendency of the Eco-

conomic and Social Council to allow itself to be divested of its responsibilities, especially in the economic field. Another delegation felt that the question whether the developments to which the Secretary-General had referred were right or wrong was not within the exclusive competence of the Fifth Committee. Its principal task was to ensure that there was proper co-ordination among the units concerned, with the role of the central authority being clearly defined. Yet another delegation suggested that a study be undertaken of ways of avoiding the phenomenon by sole reliance on the normal resources of the Secretariat and on means of organizing the activities of the autonomous units with a view to minimizing their disadvantages. Special care should be taken to avoid excessive movement of personnel between units or the adverse effect on morale resulting from differing grading standards. In all these circumstances, it was reassuring to note that satisfactory arrangements had been established in the case of UNCTAD and the hope expressed that similar relationships would be established with UNIDO.

COMPOSITION OF THE STAFF OF THE SECRETARIAT

29. A number of delegations, in referring to the personnel policy of the United Nations, stressed the importance of the principles of universality and the equitable distribution of staff. While some progress has been made, as indicated in the annual report¹⁰⁸ submitted by the Secretary-General on this subject, the situation remained unsatisfactory. In particular, the quotas to which the countries of Africa and Eastern Europe were entitled remained unfilled and the number of senior posts held by their nationals were negligible. Urgent action was required to correct these imbalances. The problem could not be solved unless there was a change in the system of granting permanent contracts especially at the higher levels. It was also observed that the personnel policy of the United Nations and those of the specialized agencies should be better co-ordinated. Other delegations supported the authority of the Secretary-General and his responsibility for continuing his efforts—in which much progress was being shown—to achieve an equitable geographical distribution of personnel and urged that he not be further burdened with criteria and instructions as to how to bring about a completely equitable distribution. Some of these delegations suggested that while there might well be a case for increased fixed-term contracts for developing countries, that the Eastern European region was, in fact, insisting on too high a proportion of such contracts and that the same need did not exist as in the developing countries.

PUBLIC INFORMATION ACTIVITIES

30. A number of delegations made reference to the recommendation of the Advisory Committee for the approval of a total expenditure estimate of \$6,961,700 for public information activities in 1967, representing a reduction of \$50,000 in the estimate submitted by the Secretary-General. In the foreword to his budget estimates the Secretary-General had indicated that he was well aware of the need to establish some limit on these expenditures but that he would nevertheless commend to Member States for their careful consideration the thought that the ceiling imposed should not be so re-

strictive as to prevent either adequate United Nations coverage of the expanding and important activities of the Organization or allow present facilities to become so obsolete that the United Nations was unable to benefit as appropriate from the new and revolutionary technological developments in mass communications media.

31. The Advisory Committee, in its related report, recalled its previously expressed view that a continuation of the stabilization policy was necessary although, in the final analysis, it was for the General Assembly to take a policy decision as to the proportion of the budget it wished to be devoted to public information activities. The Advisory Committee had also suggested that the Secretary-General might envisage the possibility of instituting a procedure for the thorough review of the public information programmes, either on a continuing basis or at regular intervals, to consider the emphasis given to the various media in responding as rapidly as possible to the changing needs of the developing countries, with a concurrent curtailment of programmes to the more developed countries, thus ensuring the optimum use of funds.

32. The Advisory Committee had therefore been pleased to learn that the Consultative Committee on Public Information, at its thirty-fourth session, held in Geneva from 28 March to 1 April 1966, had adopted and submitted a proposal to ACC recommending the formation of an inter-agency study group for the purpose of reassessing the whole of the information activities for the United Nations and its family of agencies. This recommendation had been accepted, and the study group had been instructed to present its report to the Consultative Committee early in 1967 for subsequent consideration by ACC.

33. The Advisory Committee had also been informed that the Under-Secretary in charge of the Office of Public Information had entered into consultation with the Board of Trustees of the United Nations Institute for Training and Research with a view to the Institute conducting an assessment of the public information programmes of the United Nations, with the assistance of an outside expert group.

34. These developments leading to a reassessment of the public information activities were welcomed in the course of the debate. In the opinion of certain delegations the current rate of expenditure was excessive and any further increases unwarranted. In another view, the related activities should continue to rank relatively low in the over-all list of priorities. Since certain delegations considered the financial ceiling imposed on this operation to be too restrictive, it was suggested that the whole question should be placed on the agenda of the General Assembly at its twenty-second session in order that guidance might be given on the programmes to be undertaken and a decision taken on the appropriate financial support.

35. As regards specific aspects of the current programme, the view was expressed that information activities were not evenly spread in the various regions of the world and that, for instance, the obligations to the Chinese people were not being adequately met. It was felt also that it was not incumbent on the Office of Public Information to address the peoples of the world directly through the mass media, but that it should work through national communications systems whose activities it could direct and oversee. Another delegation expressed the view that, while it was es-

¹⁰⁸ *Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 81, document A/6487.*

sential to publicize the activities of the United Nations, this should be done less expensively. There should be one public information service serving the United Nations system as a whole. There should be no separate information centres in countries where there was a Resident Representative who could perform the necessary functions. Since it was important to have local support, information offices should be staffed by locally recruited professional journalists. If these measures were instituted, some 40 international posts would become superfluous, much official travel would become unnecessary, and substantial savings would result.

ACCOMMODATION AT HEADQUARTERS

36. As described in paragraphs 59 to 65 below, the Secretary-General had drawn the attention of the General Assembly to the growing problem of adequate office space at Headquarters and the disadvantages of recourse to the rental of outside accommodation. In order that the possibility of a new office building on Headquarters premises might be considered in all its aspects at the next session, he proposed that he be authorized to conduct a detailed engineering and architectural survey. In view of the voluntary assumption of this task by an outside concern, this proposal was subsequently withdrawn.

37. Several delegations addressed themselves to this issue in the course of the general discussion. Certain delegations expressed the view that suitable and functional facilities were essential if the staff's efficiency was to be commensurate with the Organization's needs. Rented space did not commend itself as a desirable long-term solution. There were, therefore, economic reasons for considering the construction of new office space. At same time, the possibility of relieving the situation in New York by the transfer of certain units to other locations such as Geneva should not be overlooked. Another delegation, with a certain degree of support, urged careful reconsideration of the suitability of New York as a location for the Headquarters of the Organization and quoted various factors of a psychological, physical and economic nature which were having an increasingly adverse effect on the conditions of work and which might make it preferable to consider a move to a small neutral country in Europe.

INCLUSION IN THE REGULAR BUDGET OF PROVISIONS FOR CONTROVERSIAL PURPOSES

38. As in the past, a number of delegations objected to the inclusion in the budget estimates of provisions for certain activities which in their view had been taken in contravention of the United Nations Charter and to which they were consequently unable to contribute. The items in question were those relating to the United Nations Memorial Cemetery in Korea, the United Nations Commission for the Unification and Rehabilitation of Korea, the United Nations Truce Supervision Organization in Palestine, the United Nations Field Service and the United Nations bond issue.

39. A number of these delegations also considered that the provisions under part V (Technical programmes) relating to technical assistance had no place in the regular budget which should be confined to administrative expenses. All technical assistance should be financed exclusively by voluntary contributions, preferably within the framework of the United Nations Development Programme. Certain of these delegations

announced that in order to prevent discrimination against their countries in the selection of experts and other assistance under part V, they would make their related contribution in their national currency. On the other hand, the view was expressed that technical assistance should not only be retained as one of the major elements of the budget but that its scope should be broadened. In particular, the provisions made for human rights activities were considered to be inadequate.

40. On a related point, it was considered by one delegation that too many activities were being financed outside the regular budget, thereby adding to the total financial obligations of Member States and increasing the problem of co-ordination and control over programmes and spending. It would be worth while to explore the possibility of integrating at least some of these activities into the regular budget.

41. On the subject of the bond issue and other controversial items, the point was made that, if the regular budget could be brought back into balance by removing the disputed sections, it would be possible to transform the budget into a genuinely administrative one which would be beyond the reach of political controversy. The continuity of United Nations activities would thereby be assured and the international civil servants would have their sense of security restored. Since the problems involved were essentially of a political nature, their solution did not depend on whether the impact of the deficit they entailed fell on the regular budget or on a special account.

42. On the subject of the bond issue, certain delegations remained convinced that the related expenditures, like those of peace-keeping operations, should be subject to a scale of assessments different from the one applying to the regular budget. In response, another delegation warned that a change in the scale originally fixed for this purpose would not be justified and might have serious consequences for the Organization.

LEGAL STATUS OF THE UNITED NATIONS IN THE UNITED STATES OF AMERICA

43. One delegation suggested special examination of the question of the legal status of the United Nations in the United States of America. Since the United States had not acceded to the Convention on the Privileges and Immunities of the United Nations, that status was based solely on the Headquarters Agreement which not only differed from the Convention but was less complete than similar agreements concluded by the United Nations and Switzerland in respect of the United Nations Office at Geneva and by the specialized agencies with the Governments of the countries where they had their headquarters. Not only was the Headquarters Agreement imperfect, it was not even fully implemented. As a result the work of the United Nations in the administrative and economic sphere as well as its political activities was seriously hampered.

44. A number of examples were quoted why in his delegation's view the Headquarters Agreement could not be considered sufficient and why the United States was not adequately performing its duties as host country towards the United Nations.

45. While it could be conceded that these questions did not lend themselves to a rapid solution, the Secretary-General, the Advisory Committee and the proposed inspection unit should study the problem in

all its aspects and a report should be presented to the General Assembly at its twenty-second session.

46. In associating itself with these observations, another delegation suggested that it would be useful to be provided at the twenty-second session with an analytical table indicating in which countries and at what prices the United Nations purchased materials, supplies and equipment and what percentage of the total expenditure was represented by any direct or indirect taxes.

Consideration of special questions

TRAVEL STANDARDS

47. At its 1145th to 1148th meetings the Committee gave particular consideration, in connexion with its review of sections 1 (Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies) and 5 (Travel of staff), to the reports submitted by the Secretary-General (A/C.5/1074) and the Advisory Committee on Administrative and Budgetary Questions (A/6502 and A/6457/Add.1) on the question of standards of air travel accommodation.

48. The proposals put forward by the Secretary-General in his report in which the Advisory Committee concurred with certain reservations (A/6502, paras. 5 and 10-13), are reflected in the decisions of the Committee set forth in paragraph 50 below. They may be summarized as follows:

(a) First-class air travel will be authorized for all members of organs or subsidiary organs serving in their individual capacity; and

(b) The United Nations will reimburse, on a first-class basis, the travel costs of one representative of each Member State for attendance at regular, special or special emergency sessions of the General Assembly;

(c) As regards travel of staff, Under-Secretaries and Directors (D-2) will be entitled to first-class air travel accommodation, except for flights of short duration in Europe or elsewhere, in which cases economy class is to be the rule.

49. The following were among the points made by various delegations:

(a) As regards members of organs and subsidiary organs serving in their personal capacity and not as representatives of Governments, the Secretary-General had had to authorize exceptions to the policy of economy-class travel on grounds such as personal hardship because of age or health or the eminence of persons serving the United Nations without remuneration. Yet a general raising of the travel standards might be deemed too easy and too costly a solution of the problem, and it might have been preferable to depart from the principle of economy-class travel only for long journeys.

(b) Where staff travel was concerned, the situation was at present entirely clear in the United Nations—only the Secretary-General and officers accompanying him and appointed by him travelled first class—but in other organizations within the United Nations system the corresponding arrangements appeared to vary considerably. Such anomalies gave rise to a serious problem of co-ordination, since it was hardly proper that where officials of the same rank, but belonging to different organizations were travelling on the same

journey some should travel first class and the others economy class.

(c) In view of the fact that the Secretary-General had pointed out that the new rules approved at the twentieth session of the General Assembly had given rise to certain difficulties and that he had been compelled to authorize exceptions to the established policy, the proposal to reinstate first-class travel entitlement for persons serving in their individual capacity deserved serious study. There might also be justification for reimbursing Governments for travel costs, on a first-class basis, of some of their representatives attending sessions of the General Assembly. Similarly, and in view of the administrative problems, which were disproportionate to the savings effected under the new rules, it might be wise that, where justified, Under-Secretaries and Directors (D-2) should be authorized to travel first class.

(d) Since the financial situation of the Organization was virtually identical with that prevailing at the twentieth session of the Assembly, it was difficult to see how a wider application of the principle of first-class travel could be justified. Furthermore, there had been a general improvement in the conditions of air travel and there were accordingly no grounds for authorizing further exceptions for the official travel of staff members.

(e) Variations in the practices of organizations within the United Nations family undoubtedly created a problem. That problem could, however, be resolved if the specialized agencies would reconcile their practices in regard to staff members, with those of the United Nations. Such a solution was preferable to acceptance of the Secretary-General's proposals.

(f) Whenever exceptions were made to a rule, the element of personal judgement came into play and it became increasingly more difficult to ensure an equitable application of the rule. Thus, were an exception to be made for a member of a given subsidiary organ, the other members would have the right to claim similar treatment; there were 182 members serving on the bodies listed in annex I to the Secretary-General's report (A/C.5/1074). With the inclusion of staff members at the D-2 and higher levels a total of over 1,000 persons would have to be authorized to travel first class, at very heavy cost to the United Nations. In general, it seemed dubious whether any amendments to the existing rules were really necessary, and in those circumstances the Committee should refrain from doing anything to inflate the budget.

Decisions of the Committee

50. At its 1148th meeting the Committee took the following decisions:

(a) By 55 votes to 3, with 16 abstentions, the Committee approved the Secretary-General's proposals regarding the travel standards to be applied for the reimbursement to Member States of the costs of travel of representatives to the General Assembly;

(b) By 47 votes to 4, with 20 abstentions, the Committee also approved the Secretary-General's proposal regarding the standards of travel for persons acting in their individual capacity as members of certain organs and subsidiary organs of the United Nations;

(c) By 49 votes to 7, with 20 abstentions, the Committee approved the proposal put forward by the Secretary-General and concurred in by the Advisory

Committee to the effect that air-travel accommodation for all staff at the Director (D-2) level and above should be first class, except that economy class should be used where feasible for flights of short duration within Europe and comparable flights elsewhere.

51. The text of the draft resolution recommended by the Fifth Committee to give effect to these decisions is given in paragraph 94 below as draft resolution IV.

SECTION 7. BUILDINGS AND IMPROVEMENTS TO PREMISES

52. At its 1156th, 1157th, 1160th and 1163rd meetings, the Committee considered the proposals submitted by the Secretary-General relating to: (a) the programme of improvements to and major maintenance of the Palais des Nations at Geneva, already approved by the General Assembly at its twentieth session; (b) the programme of major maintenance and improvements at Headquarters in New York, also approved by the General Assembly at its twentieth session; (c) the extension of the conference facilities at the Palais des Nations; and (d) a survey relating to the possible construction of another office building on the Headquarters site in New York. The Committee also received a progress report from the Secretary-General concerning the construction of the United Nations building in Santiago, Chile, by which the General Assembly was informed that construction was at an advanced stage and that occupancy of the building would be completed during November 1966. In view of the fact that completion of construction and exterior work, however, would not be accomplished until 1967, it would be necessary to carry forward into that year any balance of funds available on 31 December 1966. It was the Secretary-General's intention to submit to the Assembly at its twenty-second session a final report on the project, including a final financial statement.

Programme of improvements to and major maintenance of the Palais des Nations at Geneva

53. The Fifth Committee, in considering this item, had before it the report of the Secretary-General (A/C.5/1075) and the corresponding report of the Advisory Committee on Administrative and Budgetary Questions (A/6526). After hearing a statement by the Chairman of the Advisory Committee, in which it was pointed out that the Secretary-General's proposals took into account the effects of the plans to extend the conference facilities at the Palais, the Fifth Committee, at its 1156th meeting, decided to approve the proposals set forth in the Secretary-General's report.

Major maintenance and improvements at Headquarters, New York

54. The Fifth Committee, at its 1163rd meeting, took note of the progress made thus far and the projects proposed for implementation during 1967, as set forth in the Secretary-General's budget estimates (A/6305) under section 7 and as amended by the recommendations of the Advisory Committee in its main report (A/6307).

Extension of the conference facilities at the Palais des Nations

55. This matter was discussed by the Fifth Committee at its 1157th meeting. The Committee had before it reports of the Secretary-General (A/C.5/1054;

A/C.5/1076) as well as of the Advisory Committee on Administrative and Budgetary Questions (A/6385, A/6524) relating to this question. One delegate favoured the proposals, which were necessitated by the increase in the activities of the Organization, to which his country attached particular importance. He was pleased that due regard had been paid to the architectural harmony of the Palais, and that the required financing had been planned in such a way so as not to overburden the budget. He paid tribute to the Swiss authorities for their co-operation and assistance.

56. The representatives of the Secretary-General in replying to questions raised by delegations, informed the Committee that the proposed extension of facilities at the Palais was necessary because of the increase in membership of the Organization and the establishment of new organs. Moreover, the new facilities would serve to make it easier to accommodate the meetings schedule even at the present level. With reference to the proposed financing arrangements, the Committee was advised that the proposals submitted by the Secretary-General reflected the outcome of thorough discussions with the Swiss authorities and represented the best which could be obtained taking into account the present state of the money market. The Swiss authorities had displayed their usual generosity and understanding, which had been sincerely appreciated.

57. One delegate, accepting the response of the representatives of the Secretary-General to his question, associated himself with the tribute paid to the Swiss authorities. He continued to be concerned at the size of the meetings programme and the assumptions which had been made of the rate of growth of the Organization's activities. He hoped that steps would be taken to reduce the number of meetings, which had been an object of certain recommendations of the *Ad Hoc* Committee of Experts. Some consideration should be given, he felt, to the possibility of holding conferences at other locations than at Headquarters and Geneva.

Decision of the Committee

58. The Fifth Committee decided to recommend that the General Assembly authorize the Secretary-General to proceed with the project and decide on the financial arrangements. A draft resolution recommended by the Committee for adoption by the General Assembly, incorporating the suggestion contained in paragraph 22 of the Advisory Committee's report (A/6524), appears in paragraph 94 below, as draft resolution V.

Accommodation at Headquarters

59. The Secretary-General, in his report on this matter (A/C.5/1062) had proposed that the General Assembly approve an appropriation in the amount of \$150,000 to meet the costs of an engineering and architectural survey relating to the possible construction of a new office building on the Headquarters site. The existing shortage of office, warehousing and parking space, and the growing demands of the Organization anticipated in the near future had, the Secretary-General stated, made it imperative to find some long-term solution to this problem, as rental of outside space was not, in his opinion, anything more than a costly, short-term remedy.

60. The Secretary-General had previously reported on this question to the Advisory Committee, in 1963 and 1964, and that Committee had stated in 1965, that

“with the growth of the Organization and its activities its physical facilities are becoming inadequate” and that “it appears now that the point has been reached where, given the trends of growth of the Organization, the prospect of the need for a major addition to facilities is evident”.¹⁰⁴ The Secretary-General had made a detailed study of the estimated future requirements of the Organization and the current space situation, and now considered it essential to obtain the views and guidance of the General Assembly as to the possible courses of action.

61. Delegations who took part in the discussion of the Secretary-General's proposals generally cautioned against taking too precipitate a decision. More time should be given to allow for consideration of alternatives to the construction of another building on the Headquarters site, which was already crowded. Some speakers felt that the activities of the Organization should be decentralized further with more units of the Secretariat being transferred away from New York, perhaps to Geneva, where it would be easier and less expensive to build additional offices.

62. Some delegations felt that conditions in New York were not conducive to the efficient operation of the Secretariat, nor to smooth, unimpeded functioning of the permanent missions to the Organization. In this connexion, some delegations made mention of the environmental deterioration evident in the atmosphere and physical surroundings in New York City, as well as the decline in the moral standards in some areas of the city, and the existence of racial discrimination. They felt it would be a mistake to commit the Organization at this stage to the costly construction of a new building.

63. At the 1160th meeting, the representative of the Secretary-General made a statement (A/C.5/1062/Add.1) on behalf of the Secretary-General, in which the Committee was informed that the East-River Turtle Bay Fund, Inc., a group of civic leaders and foundations interested in the preservation of the special character and appearance of the United Nations Headquarters site, had advised the Secretary-General that it was prepared, at its own expense, to conduct a thorough study to determine the feasibility of an area in connexion with needed United Nations facilities to be located south of the United Nations site and east of First Avenue and presently owned or controlled by the City of New York and the Consolidated Edison Company. The objective of the Fund would be to arrange for the availability, as a donation to the United Nations, of this additional, contiguous area.

64. The purpose of this study would be to establish the suitability and availability of this extension for possible United Nations uses. In view of the considerable expense involved in making this study, the Fund requested the Secretary-General's assurance of interest on the part of the United Nations before finally undertaking the study. The Secretary-General had been impressed with this generous offer and believed that it merited serious consideration.

65. While expressing appreciation of the generous offer made by East River-Turtle Bay Fund, Inc., some delegations requested assurances of the representatives of the Secretary-General that its acceptance by the Secretary-General, on behalf of the United Nations, implied no commitment whatsoever that the Organization would be required to construct on any site which

could be made available and would be suitable for the Organization's needs. The Committee was informed that the Secretary-General had indicated the Organization's interest in the offer and it was his intention to report fully on this matter to the Advisory Committee on Administrative and Budgetary Questions and the Assembly at its twenty-second session. However, he had felt that this new development should be reported to the General Assembly at once. The Secretary-General could assure the Committee that no commitment on the part of the Organization was given, nor implied. In 1967 the Assembly would be given a full report on what had been determined in the study and what possible alternatives existed to alleviate the space problem at Headquarters. At that time, and only then, the Assembly would be asked to decide as to what course of action should be taken.

SECTION 11. PUBLICATIONS AND DOCUMENTATION OF THE UNITED NATIONS

66. At the 1156th meeting of the Committee, the representative of Czechoslovakia introduced a draft resolution (A/C.5/L.880) sponsored by his delegation and those of Belgium, Bulgaria, Cyprus, France, Iran and Malta. In his remarks, the Czechoslovak representative stated that the draft resolution was based on reiterated suggestions and recommendations of the Advisory Committee and took into account the views of the *Ad Hoc* Committee of Experts, as well as the experience of the Economic and Social Council. Under the terms of the draft resolution a review was to be carried out by the Publications Board, which should propose a system which would ensure that indispensable documents would be published at a reasonable cost, redundant publications and duplication would be eliminated, the quality of documentation and its timely distribution in the working languages would be guaranteed.

67. The results of the proposed review would be first submitted to the Advisory Committee and then to the General Assembly at its twenty-second session. During the discussion of the draft resolution, general support was given to its objectives. It was clarified that the Secretariat, in implementing operative paragraph 2, sub-paragraph (a), of the draft resolution, would interpret it in the widest sense, and the Secretary-General, in submitting his report, would seek to make any suggestions and recommendations he considered would help to achieve economies in the publications programme.

Decision of the Committee

68. The Fifth Committee decided to recommend the adoption by the General Assembly of the draft resolution appearing in paragraph 94 below as draft resolution VI.

UNITED NATIONS BOND ISSUE

69. When the Committee, at its 1142nd to 1146th and 1150th meetings, during its consideration of section 12 (Special expenses), discussed the question of the United Nations bond issue, falling under chapter V of that section, it had before it a draft resolution (A/C.5/L.876), submitted by Argentina, Brazil, India and Nigeria, which read as follows:

“The General Assembly,

“Bearing in mind resolution 1739 (XVI) of 20 December 1961, subsequently amended by resolutions 1878 (S-IV) of 27 June 1963 and 1989 (XVIII) of 17 December 1963, which authorized the Secre-

¹⁰⁴ *Ibid.*, Twentieth Session, Supplement No. 7, para. 100.

tary-General to issue bonds up to the amount of \$US200 million,

"Bearing equally in mind that several resolutions of the General Assembly, particularly resolutions 1854 B (XVII) of 19 December 1962 and 1874 (S-IV) of 27 June 1963, have in the past years continuously recognized in principle and in practice that expenditures caused by peace-keeping operations such as those in the Congo and in the Middle East should be met according to a procedure different from that applied to the regular budget of the United Nations,

"Noting that the receipts from the United Nations bond issue, attaining \$US169,905,679, were entirely utilized to finance the special accounts for the two peace-keeping operations mentioned above,

"1. *Recognizes* that the inclusion in the regular budget of a provision to pay the interest and the instalments of principal due on such bonds is inconsistent with related financial decisions of the General Assembly adopting special criteria designed to take into account the relatively limited capacity to contribute of the economically less developed countries;

"2. *Decides*, in the interest of equity, to establish a special account for the amortization and interest of the United Nations bond issue to be financed according to the principles set forth in document A/AC.113/R.18¹⁰⁵ of 15 March 1963 and in General Assembly resolution 1874 (S-IV) or such other special criteria and arrangements that the General Assembly may approve for the apportionment of contributions of Member States."

70. The arguments advanced by the authors in support of the draft resolution may be summarized as follows:

(a) The bond issue should not be financed on the same basis as other items in the regular budget for the reason that it failed to take account of the practice followed by the United Nations in connexion with the peace-keeping activities to which the proceeds from the sale of the bonds had been devoted. For this reason the necessary provision should be made under a special account as in the case of ONUC and UNEF.

(b) The sponsors of the draft resolution had not attempted to offer specific criteria; instead they proposed that the special account should be financed according to the general principles set forth in General Assembly resolution 1874 (S-IV), of 27 June 1963, or such other special arrangements that the General Assembly might approve. The intention was to avoid any rigid formula and open the way for an exchange of views which might yield a positive solution.

(c) The removal from the regular budget of the item relating to the bond issue would be a step towards the establishment of a budget which would comprise only the regular and normal expenditures of the United Nations and which would thereby bring political controversy to an end and obviate a chronic deficit.

(d) Since December 1961, when the General Assembly had adopted resolution 1739 (XVI), two important events had occurred which warranted a re-consideration of the question: the first event was the publication of document A/AC.113/R.18¹⁰⁵ which, with the approval of a large majority of the Member States,

set out certain principles that had been restated in resolution 1874 (S-IV); the spirit of the latter resolution ran counter to resolution 1739 (XVI), and the two texts should therefore be harmonized. The second event was the publication of the first report of the *Ad Hoc* Committee of Experts,¹⁰⁶ which showed clearly, and particularly in paragraphs 19 and 20, that the loan had been used for specific purposes; in consequence, certain Member States had political problems of principle and the Organization as a whole had suffered a cumulative deficit.

71. Delegations opposing the draft resolution maintained that the United Nations having entered into a contractual obligation towards the bond holders, was not entitled unilaterally to alter the terms and conditions of that obligation or to alter the basis on which the bonds had been issued. It was the financial difficulties of the Organization rather than its peace-keeping operations which had necessitated the bond issue, as was indicated in resolution 1739 (XVI), in which the General Assembly had expressly authorized the Secretary-General to utilize the proceeds from the sale of such bonds for purposes normally related to the Working Capital Fund. These delegations noted that a proposal to adopt a special scale of assessment had been rejected in 1961. The bonds had, in their view, been issued on the clear understanding that the cost of servicing them should not only be borne on the regular budget but should be subject to the regular scale of assessment. Resolutions such as 1854 B (XVII), which in any case referred only to future peace-keeping operations, could not alter the terms of resolution 1739 (XVI), which had been reproduced on the back of each bond and which, in effect, constituted the prospectus for the bond issue. Apart from the possible injury to the interests of the subscribers the proposal that was the subject of the draft resolution might seriously affect the financial standing of the United Nations and prevent it from contracting future loans on favourable terms. Furthermore, the use of a special scale of assessment for the payment of interest and principle would impose an additional burden on Member States which, having generously come to the aid of the Organization, would find themselves penalized for having placed their trust in it. The relatively modest reductions that could accrue to the developing countries would be negligible by comparison with the grave consequences that might result. The United Nations had entered into contractual obligations with the bond holders, and the terms and conditions thereof should not be unilaterally altered. Furthermore, the use of a special scale of assessments for the payment of interest and principal would impose additional burdens on Member States which had not only fully paid all of their assessments as well as voluntary contributions, but would be penalized for having responded to the Secretary-General's request for purchases of the bonds.

72. At the 1145th meeting the representative of Cameroon suggested that good results might be achieved by postponing the discussion of the question until the twenty-second session of the General Assembly and by setting up a small committee to prepare recommendations that would take all shades of opinion into account. The revision of international conventions and agreements was a standard practice which did not reflect on the good faith of the contracting parties. In

¹⁰⁵ Same text as document A/AC.113/18 (see *Official Records of the General Assembly, Fourth Special Session, Annexes, agenda item 7*).

¹⁰⁶ *Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 80, document A/6289.*

the matter under consideration it would be politic to adjust decisions taken five years previously, and in particular those contained in resolution 1739 (XVI), to the principles approved in 1963 in regard to peace-keeping operations. Accordingly, in consultation with the sponsors of the draft resolution (A/C.5/L.876), his delegation had decided to submit the following amendments (A/C.5/L.877) to their text, which were subsequently accepted by the sponsors of the initial text:

(a) To add after the third preambular paragraph the following new paragraph:

“Noting further the observations and suggestions of many countries, particularly the developing countries, concerning the payment of interest on and the amortization of such bonds, bearing in mind the financial decisions of the General Assembly, which had adopted special criteria designed to take into account the relatively limited capacity to contribute of the economically less developed countries.”;

(b) To replace the operative paragraph by the following text:

“Decides to create a working group of seven members appointed by the President of the General Assembly to study the problem of the amortization of and payment of interest on the United Nations bonds and to submit to the General Assembly at its twenty-second session a detailed report containing such recommendations as it may consider appropriate.”

73. Some delegations argued that inasmuch as the peace-keeping operations had resulted from manifest actions of aggression and flagrant violations of the principle of national sovereignty, the financial consequences should be borne exclusively by the aggressors and not by the entire membership of the United Nations. Furthermore, all such operations and their financing should be authorized by the Security Council, as the Charter of the United Nations stipulated. The United Nations bonds had been issued in violation of the Charter, and since the method of financing peace-keeping operations should differ from that applied for the normal expenses of the Organization, the financing of the bond issue should no longer form a part of the regular budget.

74. It was suggested that the essential problem was to reconcile the necessity of respecting the contractual obligations incurred by the United Nations with the general principles stated in the preambles of General Assembly resolutions 1854 B (XVII) and 1874 (S-IV). That might be done by continuing to include an item in the regular budget to cover the repayment of the bond issue but applying to it a different scale of assessment fixed in accordance with those general principles.

75. Other delegations felt that such a formula, fully as much as the one contained in the draft resolution, would make the complex problem of restoring the Organization's finances even more difficult to solve.

Decision of the Committee

76. Having taken note of the expression of views from all sides in the debate and having ascertained that a broad consensus did not exist, the Fifth Committee decided, at its 1150th meeting, to postpone further discussion of the subject of the United Nations bond issue, including the proposals presented in the draft resolution (A/C.5/L.876) and the amendments (A/C.5/L.877), until the twenty-second session of the

General Assembly, so as to provide adequate time for study and mature consideration of this matter by all concerned.

SECTION 21. UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

77. At its 1141st meeting, on 7 November 1966, the Committee considered a report on the administrative and financial implications of the establishment of a United Nations Organization for Industrial Development¹⁰⁷ (A/6481) in which the Secretary-General proposed, *inter alia*, the setting up of a new section 21 in the 1967 budget to which would be transferred the provisions already approved under various budget sections for activities in the field of industrial development, i.e., \$3,751,600, to be increased by an additional appropriation of \$1,641,500 to a total of \$5,393,100. This additional appropriation included a lump sum of \$750,000 to cover the cost of additional personnel services, and \$891,500 for such other items of expenditure consequent upon the establishment of UNIDO as an autonomous organization within the United Nations.

78. As regards the first of these two items, the Secretary-General had indicated that, bearing in mind the rather significant growth in the staffing resources of the Centre for Industrial Development which had taken place so recently, the practical difficulties inherent in the achievement of the organizational structure and staffing pattern tentatively conceived and, at the same time, not wishing to prejudge the ultimate decisions to be taken by the Industrial Development Board and by the General Assembly in regard to future work programmes in this field, it was his belief that a careful, yet flexible approach would be advisable for the first year, namely 1967. He had therefore proposed the inclusion of a lump sum of \$750,000 to be used for the employment, as appropriate, of regular and short-term staff. In the Secretary-General's opinion, this provision, although representing some departure from normal practice, would make possible the strengthening of the present staffing resources of the Centre for Industrial Development beyond what had been included in the initial 1967 estimates, so as to enable the secretariat of UNIDO to proceed without delay with the implementation of priority programmes emanating from the first session of the Board and to fulfil its new and enlarged tasks of over-all management, administration, planning and co-ordination.

79. In its corresponding report (A/6493), the Advisory Committee endorsed the establishment of a new budget section and the transfer to it of the provisions already included in other sections of the budget for industrial development, but recommended that the additional amount requested by the Secretary-General be reduced by \$193,100 to \$1,448,400. In arriving at this recommendation, the Advisory Committee had paid particular attention to the Secretary-General's proposal for the inclusion of a lump sum of \$750,000 and it had been informed that, while the more conventional reporting of staff resources was desirable, in view of the very tentative outline of the possible organizational structure and related staff needs of UNIDO it had been felt that the approach adopted would prove

¹⁰⁷ Designated United Nations Industrial Development Organization (UNIDO) subsequent to the circulation of the Secretary-General's report.

more economical and best serve the interests of the Member States. Bearing in mind the imponderables surrounding the new organization during this transitional period, and the many unknown factors requiring consideration by the Board in 1967, the Advisory Committee saw some merit in the approach taken by the Secretary-General, although it doubted that such an allocation would permit the same degree of administrative supervision and control as would have been the case with a traditional manning table.

80. The Advisory Committee noted that the estimates, as presented, were based on the assumption that the headquarters of UNIDO would be in New York, and that, should the General Assembly accept an invitation of a Government to establish the headquarters of UNIDO in some other location during 1967, the estimates would have to be revised. Another matter of concern to the Advisory Committee was the necessity for UNIDO to avoid overlapping and duplication of functions and activities with other areas of the Secretariat, and with certain of the specialized agencies; it suggested that any possible areas of duplication should be the subject of continuing review.

81. As regards the Secretary-General's intention, in the event of the requested provision proving insufficient, to so report to the General Assembly at its twenty-second session and seek approval of such supplementary credits as might prove necessary, the Advisory Committee considered that its recommendations would allow sufficient flexibility for UNIDO to operate effectively in its first year, 1967, and the Committee would expect therefore that in arriving at its decision on the programme of activities for 1967, the Industrial Development Board would take all possible measures to ensure that expenses were held to the essential minimum, thereby obviating any need of recourse to supplementary estimates for 1967.

82. While none of the delegations that took part in the debate in the Fifth Committee questioned the need to provide UNIDO with adequate resources to undertake its tasks, many shared the misgivings of the Advisory Committee concerning both the principle of a lump sum appropriation for staff and the magnitude of the provision requested for the execution of programmes which had not yet been approved. In fact, it would not be until after the Industrial Development Board at its first session had considered the proposals of the Secretary-General, that the needs of UNIDO could be assessed and that the Advisory Committee would be able to consider all the financial implications of its establishment. However, in view of the special circumstances and the need to avoid the risk of delaying the activities of the new organization, the consensus was that the Advisory Committee's recommendations should be approved, inasmuch as they would permit UNIDO to proceed with its work and render unlikely the submission of supplementary estimates for 1967 in that respect.

Decisions of the Committee

Initial decision of the Committee

83. The recommendation of the Advisory Committee for an appropriation of \$5,200,000 for UNIDO under a new section of the 1967 budget—section 21—was approved, representing an increase of \$1,448,400 over the amount of \$3,751,600 included for activities in the field of industrial development under sections 2, 3, 4, 5, 6, 8, 10 and 11 of the initial budget estimates for 1967, after application of the reductions previously recommended by the Advisory Committee. As a corollary, the estimate of income from staff assessment under income section 1 should be increased by \$85,000. Thus the income from staff assessment attributable to UNIDO appropriations under section 21 would amount to a total of \$546,500, including \$30,000 attributable to assessable salary payments for the International Symposium on Industrial Development, for which provision had been made initially under section 2, and \$431,500 attributable to assessable salary payments for the existing staff of the Centre for Industrial Development, for which provision had been made initially under section 3.

Subsequent developments

84. At its 1163rd meeting, on 8 December 1966, the Committee considered a report by the Secretary-General (A/C.5/1092) containing revised estimates resulting from decisions taken by the Economic and Social Council in November 1966, at its resumed forty-first session, concerning the International Symposium on Industrial Development. By resolution 1185 (XLI), the Council had decided: that Chinese should be added to the working languages of the Symposium; that summary records should be provided for plenary meetings only; and that the Symposium should be held at Athens in December 1967.

Final decision

85. The Secretary-General's proposal, endorsed by the Advisory Committee, to increase by \$26,500 the appropriation requested under section 21, chapter III, for the International Symposium on Industrial Development, as a result of the decisions of the Council, was approved, with a corresponding increase of \$77,400 under income section 3 (General income) for 1967, representing the amount to be reimbursed by the Greek Government, in accordance with General Assembly resolution 2116 (XX), of the extra costs of holding the Symposium at Athens.

86. As a result of this decision, the appropriation approved under section 21 of budget for 1967 was increased to \$5,226,500.

First reading of the budget estimates

87. On the basis of a note prepared by the Secretary-General (A/C.5/L.868), the Committee voted, at its 1130th, 1133rd, 1137th, 1139th, 1140th, 1141st, 1143rd, 1144th, 1148th, 1149th, 1150th, 1155th, 1163rd and 1167th meetings, on first reading of the budget estimates for 1967, as follows:

Section	Recommended appropriation	In favour	Against	Abstentions
<i>United States dollars</i>				
EXPENDITURE SECTION				
1. Travel and other expenses of representatives, members of commissions, committees and other subsidiary bodies	1,158,350	72	0	4
2. Special meetings and conferences ..	1,824,650	55	0	11

Section	Recommended appropriation	In favour	Against	Abstentions
	<i>United States dollars</i>			
3. Salaries and wages	59,317,500	66	12	1
4. Common staff costs	13,877,400	67	0	12
5. Travel of staff	2,112,430	63	0	16
6. Payments under annex I, paragraphs 2 and 3, of the Staff Regulations; hospitality	125,000	Unanimously approved		
7. Buildings and improvements to premises	4,930,700	66	0	1
8. Permanent equipment	627,900	Unanimously approved		
9. Maintenance, operation and rental of premises	3,986,500	68	0	10
10. General expenses	5,149,900	66	0	11
11. Printing	1,815,000	73	0	2
12. Special expenses	8,957,000	65	11	11
13. Economic development, social development and public administration	6,400,000 ^a	67	6	5
14. Human rights advisory services				
15. Narcotic drugs control				
16. Special missions	2,943,000	54	11	5
17. United Nations Field Service	1,821,000	65	10	3
18. Office of the United Nations High Commissioner for Refugees	3,225,000	75	0	10
19. International Court of Justice	1,149,900	80	0	4
20. United Nations Conference on Trade and Development	7,400,000	66	0	0
TOTAL	126,821,230			
INCOME SECTION				
1. Staff assessment income	13,164,800	Unanimously approved		
2. Funds provided from extra-budgetary accounts	2,196,276	Unanimously approved		
3. General income	2,700,000	Unanimously approved		
4. Sale of United Nations postage stamps (United Nations Postal Administration)	1,800,000	Unanimously approved		
5. Sale of publications	827,650	Unanimously approved		
6. Services to visitors and catering services	791,300	Unanimously approved		
TOTAL	21,480,026			

^a The Committee approved the recommendation for an appropriation of \$6,400,000 under Part V as a whole, that is, sections 13, 14 and 15.

88. While approving the estimate for section 16 (Special missions), the Fifth Committee generally endorsed the views expressed by the Advisory Committee on Administrative and Budgetary Questions in paragraph 289 of its report (A/6307). Furthermore, it considered it desirable that the General Assembly request the Secretary-General to give consideration in the course of 1967, in consultation with the Governments concerned, to the question of the continuation of the Office of the Special Representative of the Secretary-General in Amman.

89. The observations and reservations expressed by delegations in explanation of vote during first reading of the budget sections for 1967 are recorded in the summary records of the relevant meetings at which the vote was taken. The first reading decisions of the Committee were affected by its subsequent consideration of revised estimates under various sections, as well as by its recommendations on other items on its agenda:

Agenda item	Additional appropriation	Additional income	Expenditure section	Income section
	<i>United States dollars</i>			
41 United Nations Industrial Development Organization (A/6481, A/6493)	5,200,000		21	
By transfer to section 21 (UNIDO)	(560,000)		2	
	(2,495,000)		3	
	(500,000)		4	
	(107,500)		5	
	(4,000)		6	
	(5,000)		8	
	(37,000)		10	
	(43,100)		11	
TOTAL	3,751,600			
		85,000		1
41 International Symposium on Industrial Development (A/C.5/1092, A/C.5/SR.1163)	26,500		21	
		77,400		3
41 Activities in the field of Industrial Development: location of the secretariat of UNIDO (A/C.5/1110, A/C.5/SR.1170)	500,000		21	
84 International conference of plenipotentiaries on the law of treaties (A/C.5/1088, A/6528)	32,900		2	
27 Question of general and complete disarmament (A/C.5/1089, A/C.5/SR.1156)	60,000		3	
87 Consideration of principles of international law concerning friendly relations and co-operation among States (A/C.5/1095, A/6556) ...	110,000		2	
52 General review of the programmes and activities in the economic, social, technical co-operation and related fields of the United Nations and agencies related to the United Nations system (A/C.5/1091, A/6560)	71,300		3	
	3,700		5	
	44,000		11	
82 Amendments to the Regulations of the Joint Staff Pension Fund in connexion with the abolition of the associate participation for staff entering into employment on or after 1 January 1967 (A/C.5/1078, A/6537)	174,000		4	
	5,000		16	
	3,000		17	
	8,000		18	
	7,000		20	
	3,000		21	
83 United Nations International School (A/C.5/1099, A/6536)	48,900		12	
74 Admission of new Members and increase in the expenses for the Board of Auditors (A/C.5/1101, A/C.5/SR.1166)	33,400		1	
65 Question of South West Africa (A/C.5/1100, A/C.5/SR.1166) ...	50,000		1	
	61,100		3	
	8,400		4	
	5,000		10	
	20,000		11	
23 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/C.5/1094, A/6562)	200,000		16	

<i>Agenda item</i>	<i>Additional appropriation</i>	<i>Additional income</i>	<i>Expenditure section</i>	<i>Income section</i>
	<i>United States dollars</i>			
23 Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: question of Aden (A/C.5/1093, A/6561)	15,000		16	
86 Programme of assistance and exchange in the field of international law (A/C.5/1103, A/6582)	66,300		12	
34 Report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (A/C.5/1105, A/C.5/SR.1169)	60,600		2	
41 Asian conference on industrialization (A/C.5/1056, A/6457/Add.1) ...	11,000		8	
	14,000		9	
	5,000		10	
88 Progressive development of the law of international trade (A/C.5/1107, A/C.5/SR.1170)	31,600		3	
	12,900		4	
	3,000		5	
TOTAL	3,143,000	162,400		
Amount approved on first reading	126,821,230	21,642,426		
GRAND TOTAL	129,964,230			

Second reading of the budget estimates for the financial year 1967

90. At its 1171st meeting, the Committee considered on second reading the budget estimates for the financial year 1967. The results of the voting were as follows:

<i>Section</i>	<i>Amount</i>	<i>In favour</i>	<i>Against</i>	<i>Abstentions</i>
1. Travel and other expenses of representatives, members of commissions, committees and other subsidiary bodies	1,241,750	63	0	0
2. Special meetings and conferences	1,468,150	65	0	0
3. Salaries and wages	57,046,500	57	9	0
4. Common staff costs	13,572,700	58	0	9
5. Travel of staff	2,011,630	59	0	9
6. Payments under annex I, paragraphs 2 and 3, of the Staff Regulations; hospitality	121,000	68	0	0
7. Buildings and improvements to premises	4,930,700	68	0	0
8. Permanent equipment	633,900	68	0	0
9. Maintenance, operation and rental of premises	4,000,500	58	0	8
10. General expenses	5,122,900	58	0	10
11. Printing	1,835,900	68	0	0
12. Special expenses	9,072,200	49	9	10
13. Economic development, social development and public administration	6,105,000	60	6	3
14. Human rights advisory services ..	220,000	58	6	3
15. Narcotic drugs control	75,000	57	4	5
16. Special missions	3,163,000	56	9	3
17. United Nations Field Service ...	1,824,000	55	9	2
18. Office of the United Nations High Commissioner for Refugees	3,233,000	59	0	9
19. International Court of Justice ..	1,149,900	66	0	2
20. United Nations Conference on Trade and Development	7,407,000	68	0	0

<i>Section</i>	<i>Amount</i>	<i>In favour</i>	<i>Against</i>	<i>Abstentions</i>
21. United Nations Industrial Development Organization	5,729,500	68	0	0
TOTAL, expenditure sections	129,964,230			
<i>Income section</i>				
1. Staff assessment income	13,249,800	66	0	0
2. Funds provided from extra-budgetary accounts	2,196,276	67	0	0
3. General income	2,777,400	69	0	0
4. Sale of United Nations postage stamps (United Nations Postal Administration)	1,800,000	69	0	0
5. Sale of publications	827,650	68	0	0
6. Services to visitors and catering services	791,300	67	0	0
TOTAL, income sections	21,642,426			

91. Subsequent to its second reading of the budget estimates, the Committee, as a consequence of a resolution adopted by the General Assembly on the recommendation of the First Committee, decided to appropriate an amount of \$350,000 under section 2 to cover the costs of holding in 1967 a United Nations

Conference on the Exploration and Peaceful Uses of Outer Space.

92. The decisions of the Committee under sections 3, 18, 19, 20 and 21 provided for manning tables for 1967 for the various departments and activities covered by these sections as follows:

<i>Category and level</i>	<i>Section 3^a</i>	<i>Section 18 (Office of the United Nations High Commissioner for Refugees)</i>	<i>Section 19 (International Court of Justice)</i>	<i>Section 20 (United Nations Conference on Trade and Development)</i>	<i>Section 21 (United Nations Industrial Development Organization)</i>
I. Secretary-General	1				
Under-Secretary	19	1	1	1	1
Director	46	3	1	8	3
Principal Officer	109	5	—	13	5
	175	9	2	22	9
II. Professional:					
Senior Officer	277	15	4	25	20
First Officer	550	21	—	53	25
Second Officer	723	23	2	73	27
Associate and assistant officer	432	34	9	18	27
TOTAL, I and II	2,157	102	17	191	108
III. General Service: ^b					
Principal level	258	4	—	12	5
Other levels	2,172	180	13	238	70
TOTAL, III	2,430	184	13	250	75
GRAND TOTAL	4,587	286	30	441	183

^a Established posts for departments and offices at Headquarters; United Nations Office at Geneva; information centres; the secretariats of the Economic and Social Office in Beirut, and of ECA, ECAFE and ECLA; the joint secretariat of the Permanent Central Narcotics Board and the Drug Supervisory Body; the United Nations Joint Staff Pension Board and the United Nations Staff Pension Committee; and revenue-producing activities.

^b Exclusive of local level posts at information centres, the Economic and Social Office in Beirut, ECA, ECAFE and ECLA for which a budgetary credit is provided (for approximately 912 posts).

Decisions of the Committee

93. At its 1172nd meeting, the Committee adopted the draft resolutions contained in its draft report (A/C.5/L.896), the text of which appears in paragraph 94 below. The voting was as follows:

Draft resolution I:	<i>In favour</i>	<i>Against</i>	<i>Abstentions</i>
Part A	67	1	10
Part B	78	0	0
Part C	67	0	11
Draft resolution II	66	7	4
Draft resolution III	69	0	10

Recommendations of the Fifth Committee

94. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

BUDGET FOR THE FINANCIAL YEAR 1967

A

Budget appropriations for the financial year 1967

B

Income estimates for the financial year 1967

C

Financing of appropriations for the financial year 1967

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

Draft resolution II

UNFORESEEN AND EXTRAORDINARY EXPENSES FOR THE FINANCIAL YEAR 1967

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

Draft resolution III

WORKING CAPITAL FUND FOR THE FINANCIAL YEAR 1967

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

Draft resolution IV

SYSTEM OF TRAVEL AND SUBSISTENCE ALLOWANCES TO MEMBERS OF ORGANS AND SUBSIDIARY ORGANS OF THE UNITED NATIONS

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

Draft resolution V

EXTENSION OF CONFERENCE FACILITIES AT THE PALAIS DES NATIONS

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

Draft resolution VI

PUBLICATIONS AND DOCUMENTATION 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 1501st plenary meeting, on 20 December 1966, the General Assembly voted on draft resolutions I, II, III, IV, V and VI submitted by the Fifth Committee (A/6631, para. 94). It adopted draft resolution I: part A by a vote of 95 to one, with 14 abstentions, part B by a vote of 109 to none, with one abstention, and part C by a vote of 96 to none, with 14 abstentions. It adopted draft resolution II by a vote of 96 to 10, with 4 abstentions, draft resolution III by a vote of 97 to none, with 12 abstentions, draft resolution IV by a vote of 95 to none, with 14 abstentions, draft resolution V by a vote of 109 to none, with one abstention and draft resolution VI by a vote of 107 to none, with one abstention. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2242 (XXI), 2243 (XXI), 2244 (XXI), 2245 (XXI), 2246 (XXI) and 2247 (XXI), respectively.

At the same meeting, the General Assembly took note of the Fifth Committee's decision contained in paragraph 76 of its report (A/6631) to postpone further consideration of the subject of the United Nations bond issue to the twenty-second session.

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 or description</i>	<i>Observations and references</i>
A/6289 and Add.1 and 2	First report of the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda item 80

Document No.	Title or description	Observations and references
A/6300/Rev.1	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>Ibid.</i> , addendum to agenda item 23
A/6305	Budget estimates for the financial year 1967 and information annexes	<i>Ibid.</i> , <i>Twenty-first Session, Supplement No. 5</i>
A/6307	Report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , <i>Supplement No. 7</i>
A/6308	Annual report of the United Nations Joint Staff Pension Board	<i>Ibid.</i> , <i>Supplement No. 8</i>
A/6343	Second report of the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	<i>Ibid.</i> , <i>Twenty-first Session, Annexes</i> , agenda item 80
A/6394	Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the twenty-first session	<i>Ibid.</i> , agenda item 93
A/6452	Report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 73
A/6463	Special educational and training programmes for South West Africa: report of the Secretary-General	<i>Ibid.</i> , agenda item 66
A/6464	Special training programme for Territories under Portuguese administration: report of the Secretary-General	<i>Ibid.</i> , agenda item 68
A/6483	Report of the Third Committee	<i>Ibid.</i> , agenda item 95
A/6491	Report of the Secretary-General	<i>Ibid.</i> , agenda item 81
A/6508	Report of the Second Committee	<i>Ibid.</i> , agenda item 41
A/6508/Add.1	Report of the Second Committee (part II)	<i>Ibid.</i>
A/6509	Report of the First Committee	<i>Ibid.</i> , agenda item 26
A/6516	Report of the Sixth Committee	<i>Ibid.</i> , agenda item 84
A/6529	Report of the First Committee (part I)	<i>Ibid.</i> , agenda item 27
A/6533	Report of the Second Committee	<i>Ibid.</i> , agenda item 94
A/6536	Report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 83
A/6544	Report of the Second Committee	<i>Ibid.</i> , agenda item 52
A/6546	Report of the Third Committee	<i>Ibid.</i> , agenda item 62
A/6547	Report of the Sixth Committee	<i>Ibid.</i> , agenda item 87
A/6557	Report of the Fourth Committee	<i>Ibid.</i> , agenda item 23
A/6567	Report of the Second Committee (part I)	<i>Ibid.</i> , agenda item 37
A/6567/Add.1	Report of the Second Committee (part II)	<i>Ibid.</i>
A/6578	Report of the Second Committee	<i>Ibid.</i> , agenda item 38
A/6579	Report of the Special Political Committee	<i>Ibid.</i> , agenda item 34
A/6583	Report of the Fourth Committee	<i>Ibid.</i> , agenda item 23
A/6594	Report of the Sixth Committee	<i>Ibid.</i> , agenda item 88
A/6602	Report of the Second Committee	<i>Ibid.</i> , agenda item 39
A/6621	Report of the First Committee	<i>Ibid.</i> , agenda items 30, 89 and 91
A/6623	Report of the Fourth Committee	<i>Ibid.</i> , agenda item 23
A/C.5/1055 and Corr.1	Estimated cost of main fields of activity, 1956-1965: note by the Secretary-General	Mimeographed
A/C.5/1062/Add.1	Accommodation at Headquarters: statement made by the representative of the Secretary-General at the 1160th meeting of the Fifth Committee	Ditto; for summary, see <i>Official Records of the General Assembly, Twenty-first Session, Fifth Committee</i> , 1160th meeting, paras. 51-56 See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda items 12 and 79
A/C.5/1068	Information annex to the budget estimates for the financial year 1967: note by the Secretary-General	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda items 12 and 79
A/C.5/1099	Draft report of the Fifth Committee	<i>Ibid.</i> , agenda item 83
A/C.5/L.868	First reading of the 1967 budget estimates: note by the Secretariat	Mimeographed
A/C.5/L.871	Note by the Chairman of the Fifth Committee concerning the first reading of the 1967 budget estimates	Ditto
A/C.5/L.875	Note by the Secretariat communicating the text of a paragraph on Section 16 (Special missions) to be included in the report of the Fifth Committee to the General Assembly	Ditto; for the text of the paragraph, see A/6631, para. 88
A/C.5/L.876	United Nations bond issue—Argentina, Brazil, India and Nigeria: draft resolution	See A/6631, para. 69
A/C.5/L.877	Cameroon: amendments to document A/C.5/L.876	<i>Ibid.</i> , para. 72
A/C.5/L.878	Statement made by the representative of Saudi Arabia at the 1127th meeting of the Fifth Committee	Mimeographed; for summary, see <i>Official Records of the General Assembly, Twenty-first Session, Fifth Committee</i> , 1127th meeting, paras. 3-8
A/C.5/L.880	Publications and documentation of the United Nations—Belgium, Bulgaria, Cyprus, Czechoslovakia, France, Iran and Malta: draft resolution	Adopted without change. See A/6631, para. 94, draft resolution VI
A/C.5/L.893	Second reading of the 1967 budget estimates: note by the Secretary-General	Mimeographed
A/C.5/L.896	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1172nd meeting, see A/6631
A/C.5/L.897	Development of internal reproduction capacity: report by the Secretary-General	Mimeographed

Financial implications

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6481	Financial implications of the draft resolution submitted by the Second Committee in document A/6508 (establishment of the United Nations Organization for Industrial Development): report of the Secretary-General	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda item 41
A/6485	Financial implications of draft resolution A submitted by the Third Committee in document A/6483: report of the Fifth Committee	<i>Ibid.</i> , agenda item 95
A/6493	Financial implications of the draft resolution submitted by the Second Committee in document A/6508 (establishment of the United Nations Organization for Industrial Development): report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 41
A/6510	Financial implications of the draft resolution submitted by the Second Committee in document A/6508 (establishment of the United Nations Organization for Industrial Development): report of the Fifth Committee	<i>Ibid.</i>
A/6513	Financial implications of draft resolution B submitted by the First Committee in document A/6509: report of the Fifth Committee	<i>Ibid.</i> , agenda item 26
A/6525	Financial implications of draft resolution I submitted by the Second Committee in document A/6533: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 94
A/6528	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 84
A/6534	Financial implications of draft resolution I submitted by the Second Committee in document A/6533: report of the Fifth Committee	<i>Ibid.</i> , agenda item 94
A/6535	Financial implications of draft resolution A submitted by the First Committee in document A/6529: report of the Fifth Committee	<i>Ibid.</i> , agenda item 27
A/6537	Financial implications of the draft resolution recommended by the United Nations Joint Staff Pension Board in annex IV of document A/6308: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 82
A/6543	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516: report of the Fifth Committee	<i>Ibid.</i> , agenda item 84
A/6556	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6547: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 87
A/6560	Financial implications of the draft resolution submitted by the Second Committee in document A/6544: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 52
A/6561	Financial implications of the draft resolution submitted by the Fourth Committee in document A/6557: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 23
A/6562	Financial implications of the recommendations 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 in chapter I, paragraphs 325 to 336, of its report (A/6300/Rev.1): report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i>
A/6564	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6547: report of the Fifth Committee	<i>Ibid.</i> , agenda item 87
A/6569	Financial implications of the draft resolution submitted by the Fourth Committee in document A/6557: report of the Fifth Committee	<i>Ibid.</i> , agenda item 23
A/6571	Financial implications of the two draft resolutions submitted by the Second Committee in documents A/6567 and A/6567/Add.1 (draft resolution I): report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 37
A/6573	Financial implications of the recommendations 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 in chapter I, paragraphs 325 to 336, of its report (A/6300/Rev.1): report of the Fifth Committee	<i>Ibid.</i> , agenda item 23
A/6574	Financial implications of the draft resolution submitted by the Second Committee in document A/6544: report of the Fifth Committee	<i>Ibid.</i> , agenda item 52
A/6585	Financial implications of the draft Covenant on Civil and Political Rights and the Optional Protocol thereto recommended for adoption by the Third Committee in document A/6546: report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , agenda item 62
A/6587	Financial implications of the draft resolution submitted by the Second Committee in document A/6578: report of the Fifth Committee	<i>Ibid.</i> , agenda item 38
A/6591	Financial implications of the draft Covenant on Civil and Political Rights and the Optional Protocol thereto recommended for adoption by the Third Committee in document A/6546: report of the Fifth Committee	<i>Ibid.</i> , agenda item 62
A/6599	Financial implications of draft resolution A submitted by the Special Political Committee in document A/6579: report of the Fifth Committee	<i>Ibid.</i> , agenda item 34
A/6600	Financial implications of the draft resolution submitted by the Fourth Committee in document A/6583: report of the Fifth Committee	<i>Ibid.</i> , agenda item 23
A/6607	Financial implications of draft resolution II submitted by the Fourth Committee in document A/6623: report of the Fifth Committee	<i>Ibid.</i>
A/6608	Financial implications of draft resolution I submitted by the Fourth Committee in document A/6623: report of the Fifth Committee	<i>Ibid.</i>

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6609	Financial implications of the draft resolution submitted by the Sixth Committee in document A/6594: report of the Fifth Committee	<i>Ibid.</i> , agenda item 88
A/6610	Financial implications of the draft resolution submitted by the Second Committee in document A/6508/Add.1: report of the Fifth Committee	<i>Ibid.</i> , agenda item 41
A/6612	Financial implications of the draft resolution submitted by the Second Committee in document A/6602: report of the Fifth Committee	<i>Ibid.</i> , agenda item 39
A/6627	Financial implications of draft resolution I submitted by the First Committee in document A/6621: report of the Fifth Committee	<i>Ibid.</i> , agenda item 30
A/C.5/1067	Financial implications of draft resolution A submitted by the Third Committee in document A/6483: note by the Secretary-General	<i>Ibid.</i> , agenda item 95
A/C.5/1078	Financial implications of the draft resolution recommended by the United Nations Joint Staff Pension Board in annex IV of document A/6308: note by the Secretary-General	<i>Ibid.</i> , agenda item 82
A/C.5/1085	Financial implications of draft resolution I submitted by the Second Committee in document A/6533: note by the Secretary-General	<i>Ibid.</i> , agenda item 94
A/C.5/1086	Financial implications of draft resolution B submitted by the First Committee in document A/6509: note by the Secretary-General	<i>Ibid.</i> , agenda item 26
A/C.5/1088	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516: note by the Secretary-General	<i>Ibid.</i> , agenda item 84
A/C.5/1089	Financial implications of draft resolution A submitted by the First Committee in document A/6529: note by the Secretary-General	<i>Ibid.</i> , agenda item 27
A/C.5/1090 and Add.1	Financial implications of the two draft resolutions submitted by the Second Committee in documents A/6567 and A/6567/Add.1 (draft resolution I): note by the Secretary-General	<i>Ibid.</i> , agenda item 37
A/C.5/1091	Financial implications of the draft resolution submitted by the Second Committee in document A/6544: note by the Secretary-General	<i>Ibid.</i> , agenda item 52
A/C.5/1093	Financial implications of the draft resolution submitted by the Fourth Committee in document A/6557: note by the Secretary-General	<i>Ibid.</i> , agenda item 23
A/C.5/1094	Financial implications of the recommendations 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 in chapter I, paragraphs 325 to 336, of its report (A/6300/Rev.1): note by the Secretary-General	<i>Ibid.</i>
A/C.5/1095	Financial implications of draft resolution I submitted by the Sixth Committee in document A/6547: note by the Secretary-General	<i>Ibid.</i> , agenda item 87
A/C.5/1096	Financial implications of the draft resolution submitted by the Second Committee in document A/6578: note by the Secretary-General	<i>Ibid.</i> , agenda item 38
A/C.5/1102	Financial implications of the draft Covenant on Civil and Political Rights and the Optional Protocol thereto recommended for adoption by the Third Committee in document A/6546: note by the Secretary-General	<i>Ibid.</i> , agenda item 62
A/C.5/1105	Financial implications of draft resolution A submitted by the Special Political Committee in document A/6579: note by the Secretary-General	<i>Ibid.</i> , agenda item 34
A/C.5/1106	Financial implications of the draft resolution submitted by the Fourth Committee in document A/6583: note by the Secretary-General	<i>Ibid.</i> , agenda item 23
A/C.5/1107	Financial implications of the draft resolution submitted by the Sixth Committee in document A/6594: note by the Secretary-General	<i>Ibid.</i> , agenda item 88
A/C.5/1108	Financial implications of draft resolution I submitted by the Fourth Committee in document A/6623: note by the Secretary-General	<i>Ibid.</i> , agenda item 23
A/C.5/1109	Financial implications of draft resolution II submitted by the Fourth Committee in document A/6623: note by the Secretary-General	<i>Ibid.</i>
A/C.5/1110	Financial implications of the draft resolution submitted by the Second Committee in document A/6508/Add.1: note by the Secretary-General	<i>Ibid.</i> , agenda item 41
A/C.5/1111	Financial implications of draft resolution I submitted by the First Committee in document A/6621: note by the Secretary-General	<i>Ibid.</i> , agenda item 30
A/C.5/1112	Financial implications of the draft resolution submitted by the Second Committee in document A/6602: note by the Secretary-General	<i>Ibid.</i> , agenda item 39



Agenda item 75:* Pattern of conferences: report of the Secretary-General**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1166th, 1168th, 1169th and 1172nd meetings; and *ibid.*, *Plenary Meetings*, 1501st meeting.

** This question was also discussed by the General Assembly at its twentieth session (agenda item 78). See also seventeenth session (agenda item 65) and eighteenth session (agenda item 60).

Abbreviations

ECLA	Economic Commission for Latin America
FAO	Food and Agriculture Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization
WMO	World Meteorological Organization

DOCUMENT A/6437***

**Programme of meetings for 1967
Report of the Secretary-General**

[Original text: English]
[2 December 1966]

1. Pursuant to paragraph 3 of General Assembly resolution 2116 (XX) of 21 December 1965, there is submitted herewith the basic programme of meetings for 1967, as known at the date of preparation of this report. The information is given in the the following form:

Annex I. The programme for 1967 by organ and sub-divided by location (New York, Geneva, other locations);

Annex II. The calendar of meetings for 1967 by month, to the extent known, and again sub-divided by location.

2. It has always been difficult to evaluate the conference servicing workload involved in the programme for the following year as forecast in the annual reports

*** Incorporating documents A/6437/Corr.1 and A/6437/Corr.2.

of the Secretary-General on this subject. This is again true this year owing mainly to the following factors:

(a) The programme as submitted at this time includes provision for bodies whose sessions have not been scheduled for particular times, so that the duration of such sessions and the number of meetings which will be required are not known;

(b) The programme includes provision for new bodies whose working methods are not known—for example, whether sessional committees of the body would be established, each requiring similar services to those of the parent body;

(c) The programme does not provide for conferences which may be called, or for meetings of bodies which may be established, as a result of current deliberations in the General Assembly at its twenty-first session.

3. In view of the lack of information in some cases, and imprecise data in others, the Secretary-General proposes to submit to the General Assembly towards the close of the twenty-first session, a further note to complete the programme for 1967. However, the following observations can be made at this point.

4. The attached programme for 1967 represents a heavier conference schedule than was contained in the similar submission for 1966.¹ It is true that the 1966 schedule did not include provision for meetings of certain bodies established by the General Assembly in the latter part of its twentieth session. However, that situation also applies in respect of the attached schedule for 1967. The present schedule does contain those conferences and meetings resulting from decisions already taken by the General Assembly; the following additions are to be anticipated on the basis of recommendations of Main Committees still to be considered in plenary session:

Special Committee on Principles of International Law concerning Friendly Relations and Co-operation Among States

Preparatory Committee on the Conference on non-nuclear-weapon States.

Special Committee on Peace-keeping Operations

Human rights committee to be established under the International Covenant on Civil and Political Rights
Further decisions involving meetings activity may well be taken before the current session ends.

5. Members of delegations are aware that it was not possible for the Secretariat to provide fully satisfactory services for all the bodies which met in 1966. These difficulties had, in fact, been anticipated when the Secretary-General stated in his 1966 report: "It would seem inevitable, therefore, that the translation of documents for meetings and for other purposes is likely to be disrupted and delayed once more in 1966".² Such a forecast applies, with even greater force, to 1967. An attempt will be made at the planning stage to contain pre-session documentation to the minimum necessary for the effective work of the bodies involved. In the actual production of the documentation, everything will be done to make the best possible use of available resources. As regards the meetings currently scheduled, as presented in the annexes to the present report, it can be said that they can be accommodated physically in the conference facilities available at Headquarters and Geneva—taking into account the fact that certain of the conferences are planned to be held at other locations. Further, subject to the provisions of the necessary funds which have been requested for temporary conference-servicing staff and the availability of such staff, the meetings service requirements themselves—interpretation, in-session documentation and meeting records—can be met. These undertakings are given on the understanding, however, that the demands of those bodies which do not meet within predetermined dates or those whose working methods are not yet known will not be too heavy and that their sessions could be fitted in at convenient times. Furthermore, the Secretary-General believes it his duty to inform Members that, on the basis of the attached schedule, he cannot give the assurance that the capacity of the conference services will not be severely strained and that pre-session documentation in the required languages

cannot, therefore, be provided in good time. Apart from the reservations made in respect of the capacity of the technical and language services, there is, of course, a further important element on which the success of this conference programme depends, and on which, similarly, no assurance can be given at this stage. Reference is made in this regard to the ability of the substantive departments concerned to provide the necessary basic pre-conference documentation soon enough to allow for translation, typing, reproduction and distribution in good time prior to the meeting to which it relates. A programme of the order of magnitude as that now foreseen will place a considerable burden on the substantive staff. If, for practical reasons, the time-table for submission of texts cannot be met, the technical services will of necessity be unable to fulfil their obligations.

6. The steady growth in the total volume of documentation which the Organization is called upon to produce has received considerable attention during the past year and the Secretary-General shares the concern expressed by Member States in this regard. The matter was dealt with in some detail by the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies in its second report. (A/6343, paras. 92-104). In particular the Committee has recognized the direct relationship between the programme of meetings and conferences and the general volume of documentation as well as the fact that documentation related to meetings has frequently been undertaken at the expense of serious disruption of regular work or the quality of documentation.

7. The practical difficulties imposed on the conference services at Headquarters and at Geneva were explained in some detail in paragraphs 11 to 15 of the report of the Secretary-General on the pattern of conferences for 1966.³ Reference was made, *inter alia*, to the accepted policy at New York to rely for précis-writing services on the translators in the English and French translation sections. It follows that the number of meetings requiring summary records has a direct impact on the volume of translation work which can be undertaken by existing staff in those areas. When a backlog of translation occurs or the work is unduly delayed, the only recourse open to the Secretary-General is to have work done on an outside contractual basis. The possibilities of proceeding on this basis are, however, not unlimited and are also circumscribed by the time available between the preparation of documentation and the required dates of issue. It is also a fact that there is only a limited reservoir of qualified temporary conference staff available on the open market and that competition for their services is becoming more and more intensive. In these circumstances, the Secretary-General welcomes the General Assembly's endorsement by its resolution 2150 (XXI) of 4 November 1966, of the recommendations of the *Ad Hoc* Committee of Experts designed to rationalize the programme of conferences and to ensure the best possible use of the financial and human resources available. It must be recognized at the same time that a great deal depends on the response of Member States themselves as expressed in actions to be taken by the various legislative bodies of the United Nations family. For its part the Secretariat stands ready to co-operate to the utmost to achieve an improvement in what has become a chronically unsatisfactory situation.

¹ *Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 78, document A/5979.*

² *Ibid.*, para. 13.

³ *Ibid.*, paras. 11-15.

ANNEX I

Basic programme of meetings for 1967

<i>Body</i>	<i>Date</i>
PART I. HEADQUARTERS, NEW YORK	
<i>General Assembly and related bodies</i>	
Administrative and Financial Committee of the United Nations Institute for Training and Research Board of Trustees (Second Session)	January (2 days)
Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	20 February-31 May
United Nations Institute for Training and Research: Board of Trustees	29-30 March
General Assembly—Fifth Special Session Committee established under General Assembly resolution 1181 (XII) (Question of defining aggression)	April (2 to 3 weeks) 3-10 April
United Nations Board of Auditors	10 May-9 June
Committee on Contributions	23 May-14 June
Advisory Committee on Administrative and Budgetary Questions	May/June (8 weeks)
Administrative and Financial Committee of the Board of Trustees of the United Nations Institute for Training and Research (Third Session)	June (2 days)
Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	17 July-25 August
General Assembly (Twenty-second Session)	19 September-December
Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	25-29 September
Advisory Committee on Administrative and Budgetary Questions	September/December
Committee on Arrangements for a Conference for the purpose of Reviewing the Charter	September (2 days)
United Nations Institute for Training and Research: Board of Trustees	September (2 days)
United Nations Administrative Tribunal	October (3 weeks)
<i>Ad Hoc</i> Committee of the General Assembly for the Announcement of Voluntary Contributions to the Programme of the UNHCR	November (1 meeting)
<i>Ad Hoc</i> Committee of the General Assembly for the Announcement of Voluntary Contributions to the UNRWA for Palestine Refugees in the Near East	November (1 meeting)
Administrative and Financial Committee of the Board of Trustees of the United Nations Institute for Training and Research (Fourth Session)	December (2 days)
Special Committee on the Policies of <i>Apartheid</i> of the Government of the Republic of South Africa	as required
Committee on Applications for Review of Administrative Tribunal Judgements	as required
<i>Ad Hoc</i> Committee for South West Africa	undetermined
United Nations Joint Staff Pension Board Standing Committee	4 sessions in the year
United Nations Staff Pension Committee	4 to 5 meetings in the year
United Nations Committee of Actuaries	3 meetings
Investments Committee	3 to 5 meetings
Committee on the Peaceful Uses of Outer Space ^a	undetermined
Legal Sub-Committee	First part of year ^b 3 weeks
Scientific and Technical Sub-Committee	First part of year ^b 2 weeks
United Nations Scientific Advisory Committee	undetermined 2 meetings in year

^a It has been the practice of the Committee to hold two sessions a year—one in early spring, the other in early fall.

^b Date and location not yet decided, but either both or at least one of the Sub-Committees will meet outside New York.

ANNEX I (continued)

Basic programme of meetings for 1967 (continued)

<i>Body</i>	<i>Date</i>
PART I. HEADQUARTERS, NEW YORK (continued)	
<i>General Assembly and related bodies</i>	
Committee of Trustees of the United Nations Trust Fund for South Africa	undetermined
Peace Observation Commission	undetermined (1 meeting)
Disarmament Commission Preparatory Committee for the International Conference on Human Rights	undetermined
<i>Security Council and related bodies</i>	
Security Council	as required
Military Staff Committee	once every fortnight
Disarmament Commission	undetermined
<i>Economic and Social Council and related bodies</i>	
Sub-Commission on Prevention of Discrimination and Protection of Minorities	4-23 January
Governing Council of the United Nations Development Programme (Third Session)	10-27 January
Meeting of Experts on the United Nations Programme in Public Administration	16-24 January
Consultative Group on Long-term Economic Projections	23-27 January
Group of Experts on Social Policy and the Distribution of Income	23 January-1 February
Working Group to Study the Proposal to Create the Institution of a United Nations High Commissioner for Human Rights	24 January-3 February
Consultative Committee on Public Information	6-10 February
Commission on Human Rights <i>Ad Hoc</i> Committee on Periodic Reports	6-8 February
Commission on the Status of Women (twentieth session)	13 February-6 March
<i>Ad Hoc</i> Group of Experts on the Methodology of Measuring Capital Flow	27 February-10 March
Commission for Social Development (Eighteenth Session)	6-22 March
Council Committee on Non-Governmental Organizations	March (2 to 3 days)
Consultative Committee on Administrative Questions	March (2 weeks)
Committee for Programme and Co-ordination	1-5 May ^e
Advisory Committee on the Application of Science and Technology to Development	1-5 May
Economic and Social Council (Forty-Second Session)	8 May-2 June
UNICEF Programme Committee	5-8 June
Committee for Programme and Co-ordination	5-16 June
UNICEF Committee on Administrative Budget	9 June
UNICEF Executive Board	12-22 June
<i>Ad Hoc</i> Committee of Experts on Demographic Aspects of Urbanization	10-14 July
Sub-Commission on Prevention of Discrimination and Protection of Minorities	21 August-1 September
UNDP: 1967 Pledging Conference	October (2 meetings)
UNDP—Inter-Agency Consultative Board	October (2 days)
Administrative Committee on Co-ordination	October (2 to 3 days)
Preparatory Committee	October (6 to 7 days)
Economic and Social Council (Resumed Forty-Third Session)	November (first half (2 to 3 days))
Preparatory Committee of Experts for the Conference of Ministers Responsible for Social Welfare	4-14 December
Economic and Social Council (Resumed Forty-Third Session)	December (second half (2 to 3 days))
<i>United Nations Conference on Trade and Development and subsidiary organs</i>	
Committee on Invisibles and Financing Related to Trade	4-19 April

^e Additional meetings will be held during the forty-second session of the Economic and Social Council as required.

ANNEX I (continued)

Basic programme of meetings for 1967 (continued)

<i>Body</i>	<i>Date</i>
PART I. HEADQUARTERS, NEW YORK (continued)	
<i>United Nations Industrial Development Organisation and subsidiary organs</i>	
Council on Industrial Development	March/April (3 to 4 weeks)
Subsidiary Organs	June (2 weeks) August (2 weeks)
<i>Trusteeship Council and Committees</i>	
Trusteeship Council	May/June (4 weeks)
Drafting Committees	May/June (4 weeks)
PART II. UNITED NATIONS OFFICE AT GENEVA	
<i>General Assembly and related bodies</i>	
Administrative Tribunal	28 March-28 April
International Law Commission	8 May-14 July
United Nations High Commissioner for Refugees—Executive Committee	22-30 May
International Civil Service Advisory Board	28 June-14 July (WHO headquarters)
United Nations Institute for Training and Research: Second Annual Meeting of Directors of Institutes within the United Nations family	June (2 days)
United Nations Scientific Committee on the Effects of Atomic Radiation	28 August-8 September
Executive Committee of the Programme of the United Nations High Commissioner for Refugees	30 October-7 November
Conference of the Eighteen-Nation Disarmament Committee	undetermined
<i>Economic and Social Council and related bodies</i>	
Economic Commission for Europe: Technical Committees ..	Throughout the year
Commission on Human Rights (Twenty-third Session)	20 February-23 March
<i>Ad Hoc</i> Committee on Periodic Reports on Human Rights ..	27 February-3 March
Group of Experts on Explosives	26 February-3 March
Administrative Committee on Co-ordination: Preparatory Committee	13-24 March
Group of Experts on Packing of Dangerous Goods	6-10 March
Inter-Agency Consultative Board of the United Nations Development Programme	3-4 April
Administrative Committee on Co-ordination	5-6 April
Economic Commission for Europe (Twenty-second Session)	11-28 April
United Nations Training Programme for Foreign Service Officers from newly independent countries	Mid May-mid November
Governing Council of the United Nations Development Programme (Fourth Session)	12-30 June
Permanent Central Narcotics Board/Drug Supervisory Body (Joint Session)	June (2 weeks)
Board of the United Nations Research Institute for Social Development	July (2 days)
OPI—Triangular Fellowship Programme	3-14 July
Joint Meeting of the Administrative Committee on Co-ordination and Committee for Programme and Co-ordination ..	7 and 10 July
Economic and Social Council (Forty-third Session)	11 July-4 August
Consultative Committee on Prevention of Crime and Treatment of Offenders	14-25 August
United Nations Conference on the Standardization of Geographical Names	4-22 September
Population Commission	2-13 October
Committee on Housing, Building and Planning (Fifth Session)	16-27 October
Permanent Central Narcotics Board/Drug Supervisory Body (Joint Session)	October (2 weeks)
Commission on Narcotic Drugs (Twenty-second Session) ..	4-20 December

ANNEX I (continued)

Basic programme of meetings for 1967 (continued)

<i>Body</i>	<i>Date</i>	
PART II. UNITED NATIONS OFFICE AT GENEVA (continued)		
<i>Special agencies and inter-governmental organizations</i>		
WMO: Fifth World Meteorological Congress	3-28 April	
Assembly of World Health Organization (Twentieth Session)	8-27 May	
Inter-Governmental Committee for European Migration	first half of May (2 weeks)	
International Labour Conference (Fifty-first Session)	7-29 June	
GATT: Contracting Parties (First meeting)	28 August-15 September	
Inter-Governmental Committee for European Migration	second half of November (2 weeks)	
GATT: Contracting Parties (Second meeting)	20 November-8 December	
<i>United Nations Conference on Trade and Development and subsidiary organs</i>		
Committee on Commodities and Permanent Sub-Committee on Commodities	10-27 January	
Group on Preferences (Second Session)	31 January-8 February	
Committee on Manufactures (Second Session)	31 January-15 February	
Inter-Governmental Group on Supplementary Financing	6-24 February	
Committee on Shipping	21 February-8 March	
Trade and Development Board (Fifth Session)	4-30 May	
Permanent Group on Synthetics and Substitutes (First Session)	undetermined (9 days)	
Advisory Committee to the Board and to the Committee on Commodities	undetermined (2 weeks)	
Two Commodity Conferences	each for 5 to 6 weeks	
Eight Expert Groups	each for 2 weeks ^d	
Inter-Governmental Group on Supplementary Financing	spring (2 weeks)	
<i>Body</i>	<i>Date</i>	<i>Place</i>

PART III. LOCATIONS OTHER THAN NEW YORK OR GENEVA

General Assembly and related bodies

International Conference on the Peaceful Uses of Outer Space	First part of September 2 weeks ^e	Vienna, Austria
World Disarmament Conference	Undetermined	Vienna, Austria

Economic and Social Council and related bodies

Economic Commission for Africa (Eighth Session)	13-25 February	Lagos, Nigeria
Administrative Committee on Co-ordination: Working Group on Housing and Urban Development	February 2 to 3 days	Rome, Italy (FAO)
Fifth United Nations Regional Carto- graphic Conference for Asia and the Far East	8-22 March	Canberra, Australia
Economic Commission for Asia and the Far East (Twenty-third Session) ..	3-17 April	Tokyo, Japan
Committee for Development Planning ..	10-21 April	Santiago, Chile (ECLA Hqs)
Economic Commission for Latin America (Twelfth Session)	2-13 May	Caracas, Venezuela
OPI: Triangular Fellowship Programme	15-23 July	Paris, France (UNESCO)
Advisory Committee on the Application of Science and Technology to De- velopment (Eighth Session)	October 2 weeks	Paris, France
International Symposium on Industrial Development	December 2 weeks	Athens, Greece

^d Dates and location undetermined.

^e Recommendation of the Committee on the Peaceful Uses of Outer Space; see *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda items 30, 89 and 91, document A/5431.

ANNEX II

Basic calendar of meetings for 1967

<i>Date</i>	<i>Body</i>
PART I. HEADQUARTERS, NEW YORK	
<i>In continuous session throughout the year</i>	
As required	Security Council
Once every fortnight	Military Staff Committee
<i>Between sessions of the General Assembly</i>	
As required	Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa
As required	Committee on Applications for Review of Administrative Tribunal Judgements
As required	Preparatory Committee for the International Conference on Human Rights
4 sessions in the year	United Nations Joint Staff Pension Board—Standing Committee
4 to 5 meetings in the year	United Nations Staff Pension Committee
3 meetings	United Nations Committee of Actuaries
3 to 5 meetings	Investments Committee
Undetermined	Committee on the Peaceful Uses of Outer Space ^a
First part of year 3 weeks ^b	Legal Sub-Committee
First part of year 2 weeks ^b	Scientific and Technical Sub-Committee
Undetermined 2 meetings in the year	United Nations Scientific Advisory Committee
Undetermined	Committee of Trustees of the United Nations Trust Fund for South Africa
Undetermined (1 meeting)	Peace Observation Commission
Undetermined	Disarmament Commission
Undetermined	<i>Ad Hoc</i> Committee for South West Africa
*	
* * *	
<i>January</i>	
4-23 January	Sub-Commission on Prevention of Discrimination and Protection of Minorities
10-27 January	Governing Council of the United Nations Development Programme (third session)
16-24 January	Meeting of Experts on the United Nations Programme in Public Administration
23-27 January	Consultative Group on Long Term Economic Projections
23-31 January	Group of Experts on Social Policy and the Distribution of Income
24-31 January	Working Group to Study the Proposal to Create the Institution of a United Nations High Commissioner for Human Rights
2 days	Administrative and Financial Committee of the United Nations Institute for Training and Research—Board of Trustees (second session)
<i>February</i>	
1 February	Group of Experts on Social Policy and the Distribution of Income
1-3 February	Working Group to Study the Proposal to Create the Institution of a United Nations High Commissioner for Human Rights
6-8 February	Commission on Human Rights: <i>Ad Hoc</i> Committee on Periodic Reports on Human Rights
6-10 February	Consultative Committee on Public Information
13-28 February	Commission on the Status of Women (twentieth session)
20-28 February	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
27-28 February	<i>Ad Hoc</i> Group of Experts on the Methodology of Measuring Capital Flow

^a It has been the practice of the Committee to hold two sessions a year—one in early spring, the other in early fall.

^b Date and location not yet decided but either both or at least one of the sub-committees will meet outside New York.

ANNEX II (continued)

Basic calendar of meetings for 1967 (continued)

<i>Date</i>	<i>Body</i>
PART I. HEADQUARTERS, NEW YORK (continued)	
<i>March</i>	
1-6 March	Commission on the Status of Women (twentieth session)
1-10 March	<i>Ad Hoc</i> Group of Experts on the Methodology of Measuring Capital Flow
1-31 March	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
6-22 March	Commission for Social Development (eighteenth session)
29-30 March	United Nations Institute for Training and Research: Board of Trustees
2 to 3 days	Council Committee on Non-Governmental Organizations
2 weeks	Consultative Committee on Administrative Questions
<i>April</i>	
1-30 April	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
3-10 April	Committee established under General Assembly Resolution 1181 (XII) (Question of defining aggression)
4-19 April	UNCTAD—Committee on Invisibles and Financing Related to Trade
3 to 4 weeks	Industrial Development Board
2 to 3 weeks	General Assembly (fifth special session)
<i>May</i>	
1-5 ^e	Committee for Programme and Co-ordination
1-5 May	Advisory Committee on the Application of Science and Technology to Development
1-31 May	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
8-31 May	Economic and Social Council (forty-second session)
10-31 May	United Nations Board of Auditors
23-31 May	Committee on Contributions
2 weeks	Trusteeship Council (thirty-fourth session)
2 weeks	Drafting Committees (during session)
4 weeks	Advisory Committee on Administrative and Budgetary Questions
<i>June</i>	
1-2 June	Economic and Social Council (forty-second session)
1-9 June	United Nations Board of Auditors
1-14 June	Committee on Contributions
5-8 June	UNICEF: Programme Committee
5-16 June	Committee for Programme and Co-ordination
9 June	UNICEF: Committee on Administrative Budget
12-22 June	UNICEF: Executive Board
2 days	Administrative and Financial Committee of the Board of Trustees of the United Nations Institute for Training and Research (third session)
2 weeks	Industrial Development Board: subsidiary body
2 weeks	Trusteeship Council (thirty-fourth session)
2 weeks	Drafting Committees (during session)
4 weeks	Advisory Committee on Administrative and Budgetary Questions
<i>July</i>	
10-14 July	<i>Ad Hoc</i> Committee of Experts on Demographic Aspects of Urbanization
17-31 July	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

^e Additional meetings will be held during the forty-second session of the Economic and Social Council as required.

ANNEX II (continued)
Basic calendar of meetings for 1967 (continued)

<i>Date</i>	<i>Body</i>
PART I. HEADQUARTERS, NEW YORK (continued)	
<i>August</i>	
1-25 August	Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
21-31 August	Sub-Commission on Prevention of Discrimination and Protection of Minorities
2 weeks	Industrial Development Board—subsidiary body
<i>September</i>	
1 September	Sub-Commission on Prevention of Discrimination and Protection of Minorities
19 September-6 December	General Assembly (twenty-second session)
25-29 September	Advisory Committee on the United Nations Programme of Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law
September-December	Advisory Committee on Administrative and Budgetary Questions
2 days	Committee on Arrangements for a Conference for the Purpose of Reviewing the Charter
2 days	United Nations Institute for Training and Research—Board of Trustees
<i>October</i>	
October (4 weeks)	General Assembly (twenty-second session)
October (4 weeks)	Advisory Committee on Administrative and Budgetary Questions
2 meetings	UNDP—1967 Pledging Conference
2 days	UNDP—Inter-Agency Consultative Board
2 to 3 days	Administrative Committee on Co-ordination
6 to 7 days	Preparatory Committee
3 weeks	United Nations Administrative Tribunal
<i>November</i>	
November (4 weeks)	General Assembly (twenty-second session)
November (4 weeks)	Advisory Committee on Administrative and Budgetary Questions
First half (2 to 3 days)	Economic and Social Council (resumed forty-second session)
1 meeting	<i>Ad Hoc</i> Committee of the General Assembly for the Announcement of Voluntary Contributions to the Programme of the UNHCR
1 meeting	<i>Ad Hoc</i> Committee of the General Assembly for the Announcement of Voluntary Contributions to the UNRWA for Palestine Refugees in the Near East
<i>December</i>	
December (3 weeks)	General Assembly (twenty-second session)
December (3 weeks)	Advisory Committee on Administrative and Budgetary Questions
4-14 December	Preparatory Committee of Experts for the Conference of Ministers Responsible for Social Welfare
Second half (2 to 3 days)	Economic and Social Council (resumed forty-third session, second part)
2 days	Administrative and Financial Committee of the Board of Trustees of the United Nations Institute for Training and Research (fourth session)
PART II. UNITED NATIONS OFFICE AT GENEVA	
Undetermined	Conference of the Eighteen-Nation Committee on Disarmament
9 days	UNCTAD—Permanent Group on Synthetics and Substitutes (first session)
2 weeks	UNCTAD—Advisory Committee to the Board and to the Committee on Commodities
Each for 5 to 6 weeks ^d	UNCTAD—Two Commodity Conferences
Each for 2 weeks ^d	UNCTAD—Eight Expert Groups
Spring (2 weeks)	UNCTAD—Inter-Governmental Group on Supplementary Financing
Throughout the year:	Economic Commission for Europe (Technical Committees)

^d Dates and location undetermined.

ANNEX II (continued)

Basic calendar of meetings for 1967 (continued)

<i>Date</i>	<i>Body</i>
PART II. UNITED NATIONS OFFICE AT GENEVA (continued)	
<i>January</i>	
10-27 January	UNCTAD—Committee on Commodities and Permanent Sub-Committee on Commodities
31 January-15 February	UNCTAD—Committee on Manufactures (second session)
31 January-8 February	UNCTAD—Group of Preferences (second session)
<i>February</i>	
6-24 February	UNCTAD—Inter-Governmental Group on Supplementary Financing
20 February-23 March	Commission on Human Rights (twenty-third session)
21 February-8 March	UNCTAD—Committee on Shipping
27 February-3 March	<i>Ad Hoc</i> Committee on Periodic Reports on Human Rights
26 February-3 March	Expert Group on Explosives
<i>March</i>	
6-10 March	Expert Group on Packing of Dangerous Goods
13-24 March	Administrative Committee on Co-ordination—Preparatory Committee
28 March-28 April	Administrative Tribunal
<i>April</i>	
3-4 April	Inter-Agency Consultative Board of the United Nations Development Programme
3-28 April	WMO—Fifth World Meteorological Congress
5-6 April	Administrative Committee on Co-ordination
11-28 April	Economic Commission for Europe (twenty-second session)
<i>May</i>	
4-30 May	UNCTAD—Trade and Development Board (fifth session)
8-27 May	World Health Assembly (twentieth session)
8 May-14 July	International Law Commission
first half (2 weeks)	Inter-Governmental Committee for European Migration
22-30 May	United Nations High Commissioner for Refugees—Executive Committee
Mid May-Mid November	Training Programme for Foreign Service Officers from Newly Independent Countries
<i>June</i>	
7-29 June	International Labour Conference (fifty-first session)
12-30 June	Governing Council of the United Nations Development Programme (fourth session)
28 June-14 July	International Civil Service Advisory Board
(WHO headquarters) 2 weeks	Permanent Central Narcotics Board—Drug Supervisory Body (joint session)
2 days	United Nations Institute for Training and Research: Second Annual Meeting of Directors of Institutes within the United Nations family
<i>July</i>	
3-14 July	OPI: Triangular Fellowship Programme
7 and 10 July	Joint Meeting of the Administrative Committee on Co-ordination and Committee for Programme and Co-ordination
11 July-4 August	Economic and Social Council (forty-third session)
July (2 days)	Board of the United Nations Research Institute for Social Development
<i>August</i>	
14-25 August	Consultative Committee on Prevention of Crime and Treatment of Offenders
28 August-8 September	Scientific Committee on the Effects of Atomic Radiation
28 August-15 September	GATT: Contracting Parties

ANNEX II (continued)

Basic calendar of meetings for 1967 (continued)

<i>Date</i>	<i>Body</i>
PART II. UNITED NATIONS OFFICE AT GENEVA (continued)	
<i>September</i>	
4-22 September	United Nations Conference on the Standardization of Geographical Names
<i>October</i>	
2-13 October	Population Commission
16-27 October	Committee on Housing, Building and Planning (fifth session)
30 October-7 November	United Nations High Commissioner for Refugees—Executive Committee
2 weeks	Permanent Central Narcotics Board—Drug Supervisory Body (joint session)
<i>November</i>	
20 November-8 December	GATT: Contracting Parties
2 weeks (second half)	Inter-Governmental Committee for European Migration
<i>December</i>	
4-20 December	Commission on Narcotic Drugs (twenty-second session)

<i>Date</i>	<i>Place of meeting</i>	<i>Body</i>
PART III. LOCATIONS OTHER THAN NEW YORK OR GENEVA		
<i>February</i>		
13-25	Lagos	Economic Commission for Africa (eighth session)
<i>February</i>		
2 to 3 days	Rome	Administrative Committee on Co-ordination: Working Group on Housing and Urban Development
<i>March</i>		
8-22	Canberra	Fifth United Nations Regional Cartographic Conference for Asia and the Far East
<i>April</i>		
3-17	Tokyo	Economic Commission for Asia and the Far East (twenty-third session)
<i>April</i>		
10-21	Santiago (ECLA headquarters)	Committee for Development Planning
<i>May</i>		
2-13	Caracas	Economic Commission for Latin America (twelfth session)
<i>July</i>		
15-28	Paris (UNESCO)	OPI: Triangular Fellowship Programme
First part of September—2 weeks ^e	Vienna	International Conference on the Peaceful Uses of Outer Space
<i>October</i>		
2 weeks	Paris	Advisory Committee on Science and Technology to Development (eighth session)
<i>December</i>		
3 weeks	Athens	International Symposium on Industrial Development
Undetermined	Vienna	World Disarmament Conference

^e Recommendation of the Committee on the Peaceful Uses of Outer Space, see *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda items 30, 89 and 91, document A/6431.

DOCUMENT A/6575

Programme of meetings for 1967

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[12 December 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report on the pattern of conferences for 1967 (A/6437) which the Secretary-General submitted in accordance with General Assembly resolution 2116 (XX) of 21 December 1965.

2. In paragraph 2 of his report, the Secretary-General recounted the difficulties inherent in evaluating the conference servicing programme for the following year, including the need to make provision for bodies with undetermined schedules, the duration and number of their meetings, and for new bodies whose working methods were still to be determined, and conversely the unavoidable exclusion of conferences and meetings which may be established by the current session of the General Assembly. In this connexion, the Committee noted the addition of four conferences listed in paragraph 4 of the Secretary-General's report, and the possibility of further decisions involving meetings activity to be taken before the end of the current General Assembly session. In view of the lack of information in some cases, and imprecise data in others, the Secretary-General proposed to submit to the General Assembly towards the close of its current session a further note to complete the conference programme for 1967.

3. This additional information notwithstanding, the Secretary-General reported that the programme for 1967 as presented represents a heavier conference schedule than that of 1966. The Secretary-General indicated that, taking into account the fact that it was planned to hold certain conferences at other locations, the meetings currently scheduled for Headquarters and Geneva as listed in the annexes to his report could be accommodated physically in the conference facilities available at these two sites. However, the burden placed on the various conference and other technical staff was such as to preclude any assurance of adequate servicing of meetings and the timely issuing of related documentation.

4. Given these limitations, the Secretary-General stated that he welcomed the General Assembly's endorsement of the recommendations of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies designed to rationalize the programme of conferences and to ensure the best possible use of the financial and human resources available. At the same time, the Secretary-General noted that a great deal depended on the response of Member States themselves as expressed in actions to be taken by the various legislative bodies of the United Nations family, and expressed his readiness to co-operate to the utmost to achieve an improvement in what had become a chronically unsatisfactory situation.

5. In reviewing the present report the Advisory Committee recalled that the Secretary-General, in presenting his initial 1967 budget estimates to the Advisory Committee, stated that "we are faced in 1967, on the basis of present expectations, with a meetings programme which will far exceed that of any previous year". In this connexion it should be noted that while

in resolution 2116 (XX) the General Assembly decided *inter alia*, that not more than one major special conference of the United Nations shall be scheduled in any one year, several special conferences which seem to fall under the term "major conference" are planned for 1967. The Advisory Committee has called attention to this matter in a number of its previous reports, and in the sixth report which it presented to the General Assembly at its twenty-first session noted the growing concern on the part of the Secretary-General and representatives of Member States that the meetings programme is already too large to be properly serviced or documented, that its calls upon the time of the substantive divisions of the Secretariat seriously encroach on the other work required of them, that the conference and servicing staff, although being constantly increased, is insufficient to cope with the rapidly rising demands for conferences and meetings, and that measures should be taken to solve the problems of the growing size and complexity of the meetings programme.⁴

6. Essentially, the problem is attributable, on the one hand, to the unco-ordinated proliferation of meetings, and on the other hand, to the lack of adequate physical facilities and human resources and a rational distribution of meetings over the calendar year. It is therefore necessary to recognize that, quite apart from the intrinsic value of the proposed meetings, a number of restrictive factors, financial, administrative and physical, inevitably come into play. Moreover, Member States have consistently indicated that the pace of budgetary expansion must reflect a reasonable reconciliation between the undeniable and urgent needs of the United Nations, and in particular of the developing countries, and the total volume of funds which the membership as a whole is disposed to contribute to the United Nations and the specialized agencies.

7. In the sixth report presented to the General Assembly at its twenty-first session the Advisory Committee recalled that only the General Assembly is in a position to determine the total size of the meetings programme and to decide, if necessary, on relative priorities, and the Advisory Committee welcomed therefore the suggestion of the Committee for Programme and Co-ordination of the Economic and Social Council in its report,⁵ that the General Assembly should establish a committee to deal with the programme of meetings. The Advisory Committee considered that it would be necessary for such a committee in drawing up recommendations to the General Assembly, to consult with the various bodies concerned with other sectors of United Nations programmes and in particular with the Economic and Social Council. It would also be necessary at all stages to consult with the Secretary-General in considering rearrangements of programmes, since he alone is in a position to advise on the size, the scheduling and the nature of programmes which

⁴ *Ibid.*, Twenty-first Session, Supplement No. 7, paras. 41-51.

⁵ *Official Records of the Economic and Social Council, Forty-first Session, Annexes*, agenda item 3, document E/4215.

may be within the capacity of the staffing and other resources available.

8. The Advisory Committee also expressed the view that following full consultation and consideration of the complex factors involved, it would be for the Committee such as suggested by the Committee for Programme and Co-ordination, to make recommendations to the General Assembly on those conferences and meetings which should be included in the annual programmes, on those which might require to be postponed and, in broad terms, on the length of particular conferences and the facilities such as records and documentation which would be appropriate in the light of the requirements of the subject and the resources at the disposal of the Organization.

9. The Advisory Committee is aware that representatives of Member States are giving considerable attention to this problem at the twenty-first session of the General Assembly, and that a number of suggestions and proposals designed to alleviate the situation and bring some order and discipline into the programme of conferences are being examined. The Committee is of the view that any proposals submitted for consideration by the General Assembly should incorporate the need to establish a calendar of regularly scheduled conferences for a minimum period of two or more years and, if possible, include the conference and meetings programmes of the specialized agencies, so that the Governments of Member States may be made aware of the totality of the conference requirements of all organizations in the United Nations system. Although the Committee is concerned over the increasing number of suggested special major conferences for a given year, it considers that in the over-all context of the problem, the paramount need is for a well-defined programme

of global requirements of conferences and meetings in the light of available resources.

10. Serious attention should be directed to the administrative, budgetary and physical requirements consequent upon the total conference and meetings programme, and every possible effort should be made to incorporate the related costs in the initial budget estimates for the forthcoming year. It would also be necessary to establish the necessary controls and disciplines to ensure the timely submission of financial implication papers for those conferences and meetings added subsequently to the approved conference pattern. In this connexion, it would be the responsibility of the suggested committee to review such proposals for new conferences and meetings and formulate recommendations to the General Assembly. Proposals and recommendations having financial implications should be submitted to the General Assembly during the first weeks of its current session. Any further proposals for new conferences and meetings arising out of recommendations submitted during the General Assembly session should receive urgent attention by the suggested committee, which might wish to give consideration to suggesting a tentative time-limit for their submission, to ensure the timely consideration of the financial implications by the Assembly.

11. Finally, the Advisory Committee would wish to add that the desired objectives can be achieved and can yield useful results only to the extent that the delegations of Member States—with the co-operation of the Secretariat—are determined at all times to apply the pattern faithfully. This must be stressed as an indispensable, if evident, premise, for as experience has shown numerous departures from the established conference pattern—made without the prior approval of the General Assembly—have weakened its effectiveness.

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DOCUMENT A/6629

Report of the Fifth Committee

[Original text: English]
[19 December 1966]

1. The Fifth Committee, at its 1166th, 1168th, and 1169th meetings, held on 13 and 15 December 1966, considered the report of the Secretary-General on the programme of conferences for 1967 (A/6437). The Committee also had before it the related report of the Advisory Committee on Administrative and Budgetary Questions (A/6575).

2. At the 1166th meeting of the Fifth Committee the Chairman of the Advisory Committee, introducing that Committee's report on this item, stated that the Advisory Committee was fully aware of the importance which developing countries attached to political, technical, economic and social conferences and meetings. At the same time, the pace of budgetary expansion must reflect a reasonable reconciliation between the urgent need for a rapidly expanding meetings programme and the resources which Member States were prepared to contribute to the United Nations and the specialized agencies. Moreover, the availability of services might sometimes be even more of a limiting factor than the availability of other resources. The Advisory Committee was therefore surprised and gratified that the Secretary-General had in most cases been able to provide the services required and hoped to be able to

do so in the future. The Advisory Committee endorsed the suggested establishment of a committee to deal with the programme of meetings. That would be a step in the right direction, although it would not solve all the problems and much experimenting would still be necessary. If the new committee were established, it should consider the timing of the programme of meetings. Proposals for new conferences and meetings, together with their financial implications, should if possible be submitted to the General Assembly during the first weeks of each session. Further proposals for new conferences and meetings arising from decisions taken by the Assembly during that session should receive urgent attention from the new committee, and a time-limit, for example, early December, might be established for their submission. The new committee might also consider the question of defining "major special conference". Although the Advisory Committee was concerned about the increase in suggested major special conferences, particularly for 1967 and 1968, it considered that a well-defined programme of global conference and meeting requirements would do more to solve the problem than strict adherence to the Assembly's decision in resolution 2116 (XX) that not

more than one major special conference should be allowed in each year. The Advisory Committee sincerely hoped that United Nations organs would faithfully apply any arrangements that might be decided upon.

INTRODUCTION AND DISCUSSION OF THE
DRAFT RESOLUTION

3. The representative of New Zealand, on behalf of Canada, Japan, Kenya, New Zealand, Norway and the Philippines, introduced a draft resolution (A/C.5/L.886), the text of which was as follows:

"The General Assembly,

"Recalling its resolutions 1202 (XII) of 13 December 1957, 1851 (XVII) of 19 December 1962, 1987 (XVIII) of 17 December 1963 and 2116 (XX) of 21 December 1965,

"Recognizing that the unique forum provided to Member States by meetings and conferences is essential in furthering the work of the United Nations,

"Mindful of the concern expressed by Member States and the Secretary-General at the recent proliferation in the number of meetings, conferences and related documents,

"Convinced of the need to achieve a proper balance each year between the calendar of meetings and conferences desired by Member States and the resources both human and material available to the Organization for this purpose,

"Noting that, under the Charter and relevant financial regulations and rules of procedure, final approval of the annual calendar of meetings and conferences rests with the General Assembly, and responsibility for the organization of the calendar rests with the Secretary-General in his capacity as Chief Administrative Officer,

"Bearing in mind the observations and recommendations of the Ad Hoc Committee of Financial Experts in chapter IX of its second report subsequently approved by the General Assembly in resolution 2150 (XXI) of 4 November 1966,

"Bearing in mind also that the Special Committee on Co-ordination of the ECOSOC has suggested in its report the establishment of a committee of the General Assembly to deal with the calendar of meetings, and that this proposal has been endorsed by both the Advisory Committee on Administrative and Budgetary Questions and the Secretary-General,

"1. Decides to establish a Committee on Conferences, consisting of twelve Member States;

"2. Decides further that this Committee shall have the following functions:

"(a) To submit to the General Assembly at each regular session a calendar of meetings and conferences in the following year for the competent organs of the United Nations including the subsidiary organs of the General Assembly;

"(b) To undertake such other tasks in this general field as may be requested by the General Assembly;

"3. Requests the President of the General Assembly, upon the adoption of the present resolution, to designate the Member States to be represented on the Committee, to serve for three years, on a rotational basis and on the basis of broad equitable geographical distribution;

"4. Requests the members of the Committee to nominate representatives with wide experience in the work of the United Nations;

"5. Requests the Secretary-General to:

"(a) Draw up in August of each year for submission to the General Assembly, in his capacity as Chairman of the Administrative Committee on Co-ordination, the provisional calendar of meetings and conferences planned by the entire United Nations family of organizations in the next two calendar years;

"(b) Prepare at the same time, in his capacity as Chief Administrative Officer of the United Nations:

"(i) a complete statement of the resources which would be required for the proposed schedule of meetings and conferences of the Organization in the next two calendar years;

"(ii) an estimate of the resources at his disposal during this period for these purposes;

"(c) Transmit this material, together with an indication of any difficulties foreseen in reconciling the resources available and the proposed schedule, to the Advisory Committee on Administrative and Budgetary Questions and to the Committee on Conferences;

"6. Invites the Advisory Committee on Administrative and Budgetary Questions to examine early in its autumn session the material provided by the Secretary-General and to forward its comments to the Committee on Conferences;

"7. Requests the Committee on Conferences to meet as necessary to perform its functions, and:

"(a) At the opening of the regular session of the General Assembly, to review the information presented to it and formulate recommendations on proposals for new meetings and conferences under consideration by the General Assembly for transmission to the appropriate Main Committee;

"(b) During the course of the regular session, to examine any further proposals for new meetings and conferences and submit its recommendations to the Main Committee concerned;

"(c) In the closing stages of the regular session and, in consultation with the Chairmen of the Main Committees, to draw up the calendar of United Nations meetings and conferences for the following year, with recommendations concerning the provisional schedule for the succeeding year; and to transmit this calendar to the General Assembly for final approval;

"8. Recommends to all competent organs of the United Nations, including subsidiary organs of the General Assembly, to bear in mind that decisions taken involving new meetings and conferences would be subject to the recommendations of the Committee on Conferences and final approval by the General Assembly;

"9. Invites the Secretary-General of the United Nations and the executive heads of the specialized agencies and of the IAEA to give the Committee on Conferences whatever assistance it may require in discharging its responsibilities."

4. In the discussion of the draft resolution which followed, most delegations welcomed the initiative of its sponsors and felt that the proposed committee could

fulfil a much-needed role of control over the establishment of a programme of conferences for the organs and subsidiary organs of the United Nations. One delegation felt that the creation of yet another committee might lead to a duplication of effort with, for example, the Committee for Programme and Co-ordination recently established by the Economic and Social Council, and that in some part of its reviewing function the proposed committee would perhaps overlap with the administrative and budgetary review carried out by the Advisory Committee. Some delegations suggested changes to the draft resolution, as a consequence of which it was decided to allow the sponsors to consult among themselves, and with other delegations, with a view to placing before the Committee a revised draft acceptable to the majority.

5. As a result of these consultations, the representative of New Zealand introduced the revised draft resolution in document A/C.5/L.886/Rev.1. In the revised version certain operative paragraphs had been changed to read as follows:

"1. *Decides* to establish, on an experimental basis subject to review by the General Assembly at its twenty-fourth session, a Committee on Conferences, consisting of fifteen Member States;

"3. *Requests* the President of the General Assembly, upon the adoption of the present resolution, to designate, on the basis of broad equitable geographical distribution, the Member States to serve on the Committee for three years;

"5. *Requests* the Secretary-General to:

"(a) Consult with his colleagues in the Administrative Committee on Co-ordination, in accordance with the recommendation in chapter IX of the second report of the *Ad Hoc* Committee of Financial Experts, to draw up in August of each year for submission to the General Assembly, in his capacity as Chairman of the Administrative Committee on Co-ordination, the provisional calendar of meetings and conferences planned by the entire United Nations family of organizations in the next two calendar years;

"(b) Prepare at the same time, in his capacity as Chief Administrative Officer of the United Nations:

"(i) A complete statement of the resources which would be required for the proposed schedule of meetings and conferences of the Organization in the next two calendar years;

"(ii) An estimate of the facilities and services at his disposal during this period for these purposes;

"(c) Transmit this material, together with an indication of any difficulties foreseen in reconciling the resources available and the proposed schedule, to the Advisory Committee on Administrative and Budgetary Questions and to the Committee on Conferences;

"7. *Requests* the Committee on Conferences to meet as necessary to perform its functions, and:

"(a) Early in the regular session of the General Assembly, to review the information presented to it and formulate recommendations on proposals for new meetings and conferences under consideration by the General Assembly, for transmission to the appropriate Main Committee;

"(b) During the course of the regular session, to examine any further proposals for new meetings and conferences and submit its recommendations to the Main Committee concerned;

"(c) In the closing stages of the regular session and, in consultation with the Chairmen of the Main Committees, to draw up the calendar of United Nations meetings and conferences for the following year, with recommendations concerning the schedule for the succeeding year; and to transmit this calendar to the General Assembly for final approval;

"8. *Requests* that the action required in subparagraph 7 (b) and 7 (c) be taken in sufficient time to enable the Secretary-General and in turn the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee to recommend the inclusion of funds for carrying out the approved calendar in the regular budget estimates for the following year;

"9. *Recommends* to all competent organs of the United Nations, including subsidiary organs of the General Assembly, to bear in mind that proposals made involving new meetings and conferences would be subject to the recommendations of the Committee on Conferences and final approval by the General Assembly;

"10. *Invites* the Secretary-General of the United Nations and the executive heads of the specialized agencies and of the IAEA to give the Committee on Conferences whatever assistance it may require in discharging its responsibilities."

6. At the 1168th meeting, the representative of New Zealand proposed some slight changes to the wording of the resolution as follows:

(a) Preambular paragraph 6, to delete the word "financial" appearing in the second line.

(b) Operative paragraph 5 (a), first line, to delete the words "his colleagues in" and substitute the words "the other members of"; third line, to delete the word "financial".

(c) Operative paragraph 7 (c), second line, to add the words "the principal organs" so that the phraseology would read: "the Chairmen of the principal organs and the Main Committees".

7. At the same meeting, the representative of Pakistan proposed formal amendments to the draft resolution relating to operative paragraph 5 b. These amendments comprised the addition of the words "existing, as well as the additional" between the words "the" and "resources" in the sub-sub-paragraph *i* and to delete sub-sub-paragraph *ii*. He also proposed an amendment to operative paragraph 5 c as well as the deletion of operative paragraph 9. The latter two amendments, however, were withdrawn, although the representative of Pakistan requested a separate vote on operative paragraph 9.

8. The representative of the Secretary-General, in response to points raised during the discussion, informed the Committee that, under paragraph 5 b of the draft resolution, with the amendment suggested by the representative of Pakistan, the Secretary-General would submit in August a provisional schedule of meetings and conferences of the United Nations for the next two calendar years covering all meetings known at that time. He would also be able to give a complete statement of the facilities and services which would be at his disposal under the budget estimates for the follow-

ing year in order to provide for the servicing of that schedule, including the regular establishment, temporary assistance funds, funds for contractual translation and printing, and others. If further resources would, in his opinion, be required to provide for adequate servicing of the provisional schedule, he could also give an indication of those additional needs. Of course, proposals considered during the session of the General Assembly for new meetings or conferences not covered in the provisional schedule would require the submission of financial implications statements in accordance with the normal procedure under rule 154 of the rules of procedure of the Assembly.

9. At the 1169th meeting, the representative of New Zealand informed the Committee that the sponsors of the draft resolution had accepted the amendment proposed to sub-paragraph 5 *b* and offered a further explanation concerning operative paragraph 9. The co-sponsors' intention underlying this paragraph was no more than to remind organs and subsidiary organs that the Committee had been established and would review a schedule of proposed conferences prior to the General Assembly's approval of the calendar of meetings for the succeeding year.

10. On the basis of this further explanation, the representative of Pakistan withdrew his request for a separate vote on this operative paragraph and the Committee accordingly voted on the draft resolution, as a whole, as revised and amended. The draft resolution was adopted by 60 votes to none, with 2 abstentions.

Decisions and recommendations of the Fifth Committee

11. The Fifth Committee decided to recommend to the General Assembly that it take note with approval of the Programme of meetings for 1967 given in the Secretary-General's report (A/6437) as well as of the observations of the Advisory Committee on Administrative and Budgetary Questions in its twenty-seventh report presented to the General Assembly at its twenty-first session (A/6575).

12. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution entitled:

"PATTERN OF CONFERENCES".

[Text adopted without change by the General Assembly.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1501st plenary meeting, on 20 December 1966, the General Assembly adopted without objection the draft resolution submitted by the Fifth Committee. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2239 (XXI).

At the same meeting, the General Assembly took note of paragraph 11 of the report of the Fifth Committee (A/6629).

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 or description</i>	<i>Observations and references</i>
A/6343	Second report of the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda item 80.
A/6634	Note by the Secretary-General indicating the composition of the Committee on Conferences	Mimeographed. See <i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 16</i> , resolution 2239 (XXI), note
A/C.5/L.886	Canada, Japan, Kenya, New Zealand, Norway and Philippines: draft resolution	See A/6629, para. 3
A/C.5/L.886/Rev.1	Canada, Japan, Kenya, New Zealand, Norway and Philippines: revised draft resolution	<i>Ibid.</i> , para. 5
A/C.5/L.894	Draft report of the Fifth Committee	Same text as A/6629



Agenda item 76:* Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly:**

- (a) Advisory Committee on Administrative and Budgetary Questions;
- (b) Committee on Contributions;
- (c) Board of Auditors;
- (d) United Nations Administrative Tribunal;
- (e) United Nations Staff Pension Committee

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1120th, 1125th, 1150th, 1160th and 1161st meetings; and *ibid., Plenary Meetings*, 1424th, 1452nd, 1478th and 1485th meetings.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 51), sixteenth session (agenda item 56), seventeenth session (agenda item 66), eighteenth session (agenda item 61), nineteenth session (annex No. 17), twentieth session (agenda item 79).

(a) Advisory Committee on Administrative and Budgetary Questions

DOCUMENT A/6381

Note by the Secretary-General

[Original text: English]
[5 August 1966]

1. The rules of procedure of the General Assembly provide that:

“Rule 156

“The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Ques-

tions (hereinafter called the ‘Advisory Committee’), with a membership of twelve, including at least three financial experts of recognized standing.

“Rule 157

“The members of the Advisory Committee, no two

of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The three financial experts shall not retire simultaneously. The General Assembly shall appoint the members of the Advisory Committee at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session."

2. The present membership of the Advisory Committee is as follows:

Mr. Jan P. Bannier (Netherlands);
 Mr. Albert F. Bender (United States of America);
 Mr. Abdou Ciss (Senegal);
 Mr. Paulo Lopes Corrêa (Brazil);
 Mr. André Ganem (France);
 Mr. James Gibson (United Kingdom of Great Britain and Northern Ireland);

Mr. Raúl A. J. Quijano (Argentina);
 Mr. Mohamed Riad (United Arab Republic);
 Mr. E. Olu Sanu (Nigeria);
 Mr. Dragos Serbanescu (Romania);
 Mr. Shilendra K. Singh (India);
 Mr. V. F. Ulanchev (Union of Soviet Socialist Republics).

3. At its eighteenth session, the General Assembly, by its resolution 1891 A (XVIII), of 6 November 1963, had appointed Mr. Bannier, Mr. Bender, Mr. Quijano and Mr. Ulanchev for three-year terms beginning on 1 January 1964. Since the terms of office of these members of the Committee are due to expire on 31 December 1966, it will be necessary for the General Assembly, at its twenty-first session, to appoint four persons to fill the resulting vacancies. The members so appointed will serve for a period of three years beginning on 1 January 1967.

4. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the names of the persons recommended for appointment. It is suggested that a similar procedure be followed at the twenty-first session.

DOCUMENT A/C.5/1058

Note by the Secretary-General

*[Original text: English]
 [21 September 1966]*

1. By letters dated 16 and 19 September 1966, respectively, Mr. Albert F. Bender (United States of America) and Mr. James Gibson, United Kingdom of Great Britain and Northern Ireland, submitted their resignations, to take effect on 1 October 1966, from the Advisory Committee on Administrative and Budgetary Questions.

2. It will be necessary, therefore, for the General Assembly at its present session to appoint persons to fill the unexpired portions of the terms of office of the above named, that is, until 31 December 1966 in the case of Mr. Bender, and 31 December 1968 in the case of Mr. Gibson.

3. Mr. Wilbur H. Ziehl (United States of America) has been proposed for election to Mr. Bender's post and Mr. John I. M. Rhodes (United Kingdom of Great Britain and Northern Ireland) to that of Mr. Gibson.

[Biographical information on the two candidates appeared in the mimeographed version of this document.]

DOCUMENT A/C.5/1082

Note by the Secretary-General

*[Original text: English]
 [9 November 1966]*

1. As indicated in document A/6381, four vacancies will arise in the membership of the Advisory Committee on Administrative and Budgetary Questions as a result of the expiration on 31 December 1966 of the terms of office of Mr. Jan P. Bannier (Netherlands), Mr. Raúl A. J. Quijano (Argentina), Mr. V. F. Ulanchev (Union of Soviet Socialist Republics) and Mr. Wilbur H. Ziehl (United States of America). It will be recalled that Mr. Ziehl was appointed to fill the vacancy resulting from the resignation of Mr. Albert F. Bender, effective 1 October 1966. This appointment was only for the unexpired portion of Mr. Bender's term of office which would have expired on 31 December 1966.

2. Mr. Bannier, Mr. Ulanchev and Mr. Ziehl have been proposed for re-election, and Mr. Pedro Olarte (Colombia) for election to fill the four vacancies.

[Biographical information on the two candidates appeared in the mimeographed version of this document.]

DOCUMENTS A/6445 AND ADD.1

Report of the Fifth Committee

DOCUMENT A/6445

[Original text: English]
[28 September 1966]

1. At its 1120th meeting, held on 28 September 1966, the Fifth Committee considered a note by the Secretary-General (A/C.5/1058) announcing the resignations, with effect from 1 October 1966, of Mr. Albert F. Bender and Mr. James Gibson as members of the Advisory Committee on Administrative and Budgetary Questions.

2. The members of the Fifth Committee had previously been invited to propose the names of persons who might be recommended to the General Assembly for appointment to the Advisory Committee in accordance with the provisions of rules 156 and 157 of the rules of procedure of the General Assembly. Mr. Wilbur H. Ziehl had been proposed to fill the vacancy occurring as a result of Mr. Bender's resignation, and Mr. John I. M. Rhodes to fill the vacancy resulting from the resignation of Mr. Gibson.

3. The Fifth Committee voted by secret ballot to decide on its recommendation. The results of the voting were as follows:

(a) To fill the vacancy resulting from Mr. Bender's resignation:

Number of ballot papers:	88
Invalid ballots:	13
Number of valid ballots:	75
Abstentions:	3
Number of members voting:	72
Required majority:	37
Number of votes obtained:	
Mr. Wilbur H. Ziehl	71

One other person received one vote.

Mr. Ziehl (United States of America), having received the required majority, was declared recommended for appointment as a member of the Advisory Committee on Administrative and Budgetary Questions for the unexpired portion of Mr. Bender's term of office, ending on 31 December 1966.

(b) To fill the vacancy resulting from Mr. Gibson's resignation:

Number of ballot papers:	86
Invalid ballots:	0
Number of valid ballots:	86
Abstentions:	8
Number of members voting:	78
Required majority:	40
Number of votes obtained:	
Mr. John I. M. Rhodes	78

Mr. Rhodes (United Kingdom of Great Britain and Northern Ireland), having received the required majority, was declared recommended for appointment as a member of the Advisory Committee on Administrative and Budgetary Questions for the unexpired portion of Mr. Gibson's term of office, ending on 31 December 1968.

Recommendation of the Fifth Committee

4. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

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

DOCUMENT A/6445/ADD.1

[Original text: English]
[21 November 1966]

1. At its 1150th meeting, held on 18 November 1966, the Fifth Committee considered a note by the Secretary-General (A/6381) concerning the vacancies which will occur in the membership of the Advisory Committee on Administrative and Budgetary Questions as a result of the expiration of the terms of office of four of its members on 31 December 1966.

2. The members of the Fifth Committee had previously been invited to suggest the names of persons who might be recommended to the General Assembly for appointment to the Advisory Committee in accordance with the provisions of rules 156 and 157 of the rules of procedure of the General Assembly. At the time the matter was considered by the Fifth Committee, four names (see A/C.5/1082) had been put forward in respect of the above-mentioned vacancies.

3. To decide who should be recommended for appointment, the Committee voted by secret ballot. The result of the ballot was as follows:

Number of ballot papers:	90
Invalid ballots:	1
Number of valid ballots:	89
Abstentions:	0
Number of members voting:	89
Required majority:	45
Number of votes obtained:	
Mr. Jan P. Bannier	83
Mr. V. F. Ulanchev	81
Mr. Wilbur H. Ziehl	77
Mr. Pedro Olarte	76

One other person received 9 votes.

4. Mr. Bannier (Netherlands), Mr. Ulanchev (Union of Soviet Socialist Republics), Mr. Ziehl (United States of America) and Mr. Olarte (Colombia), having received the required majority, were declared recommended for appointment as members of the Advisory Committee on Administrative and Budgetary Questions for a three-year term beginning on 1 January 1967.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

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

(b) Committee on Contributions**DOCUMENT A/6382****Note by the Secretary-General**

[Original text: English]
[5 August 1966]

1. The rules of procedure of the General Assembly provide that

“Rule 159

“The General Assembly shall appoint an expert Committee on Contributions, consisting of ten members.

“Rule 160

“The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The General Assembly shall appoint the members of the Committee on Contributions at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session.”

2. The present membership of the Committee is as follows:

Mr. Raymond T. Bowman (United States of America);

Mr. Jorge Pablo Fernandini (Peru);

Mr. James Gibson (United Kingdom of Great Britain and Northern Ireland);

Mr. Louis-Denis Hudon (Canada);

Mr. F. Nouredin Kia (Iran);

Mr. Gopalaswami Parthasarathi (India);

Mr. Stanislaw Raczkowski (Poland);

Mr. David Silveira da Mota (Brazil);

Mr. V. G. Solodovnikov (Union of Soviet Socialist Republics);

Mr. Maurice Viaud (France).

3. At its eighteenth session, the General Assembly, by its resolution 1892 (XVIII), of 6 November 1963, had appointed Mr. Fernandini, Mr. Solodovnikov and Mr. Viaud for three-year terms beginning 1 January 1964. At its twentieth session, the General Assembly, by its resolution 2014 B (XX), of 21 December 1965, had appointed Mr. Parthasarathi for a term beginning on the date of the resolution and ending on 31 December 1966. Since the terms of these members expire on 31 December 1966, it will be necessary for the General Assembly, at its twenty-first session, to appoint four persons to fill the resulting vacancies. The members so appointed will serve for a period of three years beginning on 1 January 1967.

4. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft resolution containing the names of the persons recommended for appointment. It is suggested that a similar procedure be followed at the twenty-first session.

DOCUMENT A/C.5/1069**Note by the Secretary-General**

[Original text: English]
[11 October 1966]

1. By a letter dated 19 September 1966, Mr. James Gibson (United Kingdom of Great Britain and Northern Ireland) submitted his resignation, to take effect on 1 October 1966, from the Committee on Contributions.

2. It will be necessary, therefore, for the General Assembly at its present session to appoint a person to fill the unexpired portion of the term of office of Mr. Gibson, that is, until 31 December 1966.

3. Mr. John I. M. Rhodes (United Kingdom of Great Britain and Northern Ireland) has been proposed for election to fill the resulting vacancy.

[Biographical information on the candidate appeared in the mimeographed version of this document.]

DOCUMENT A/C.5/1084**Note by the Secretary-General**

[Original text: English]
[11 November 1966]

1. As indicated in document A/6382, four vacancies will arise in the membership of the Committee on Contributions as a result of the expiration on 31 December 1966 of the terms of office of Mr. Jorge Pablo Fernandini (Peru), Mr. Gopalaswami Parthasarathi (India), Mr. V. G. Solodovnikov (Union of Soviet Socialist Republics), and Mr. Maurice Viaud (France).

2. Mr. Fernandini, Mr. Parthasarathi and Mr. Viaud have been proposed for re-election and Mr. Evgeny Nikolaevich Makeev (Union of Soviet Socialist Republics) and Mr. Amjad Ali (Pakistan) for election to fill the five vacancies.

[Biographical information on the five candidates appeared in the mimeographed version of this document.]

DOCUMENTS A/6471 AND ADD.1**Report of the Fifth Committee****DOCUMENT A/6471**

[Original text: English]
[14 October 1966]

1. At its 1125th meeting, held on 14 October 1966, the Fifth Committee considered a note by the Secretary-General (A/C.5/1069) announcing the resignation, with effect from 1 October 1966, of Mr. James Gibson as a member of the Committee on Contributions.

2. The members of the Fifth Committee had previously been invited to suggest the name of a person who might be recommended to the General Assembly for appointment to the Committee on Contributions in accordance with the provisions of rule 160 of the rules of procedure of the Assembly. Mr. John I. M. Rhodes had been proposed for election to fill the resulting vacancy.

3. The Fifth Committee voted by secret ballot to decide on its recommendation. The results of the voting were as follows:

Number of ballot papers:	69
Invalid ballots:	1
Number of valid ballots:	68
Abstentions:	6
Number of members voting:	62
Required majority:	32
Number of votes obtained:	
Mr. John I. M. Rhodes	60

Two other persons received one vote each.

4. Mr. Rhodes (United Kingdom of Great Britain and Northern Ireland), having received the required majority, was declared recommended for appointment as a member of the Committee on Contributions for the unexpired portion of Mr. Gibson's term of office, ending on 31 December 1968.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENT TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE ON CONTRIBUTIONS

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

DOCUMENT A/6471/ADD.1

[Original text: English]
[21 November 1966]

1. At its 1150th meeting, held on 18 November 1966, the Fifth Committee considered a note by the Secretary-

General (A/6382) concerning the vacancies which will occur in the membership of the Committee on Contributions as a result of the expiration of the terms of office of four of its members on 31 December 1966.

2. The members of the Fifth Committee had previously been invited to suggest the names of persons who might be recommended to the General Assembly for appointment to the Committee on Contributions in accordance with the provisions of rules 159 and 160 of the rules of procedure of the Assembly. At the time the matter was considered by the Fifth Committee, five names (see A/C.5/1084) had been put forward in respect of the above-mentioned vacancies.

3. To decide who should be recommended for appointment, the Committee voted by secret ballot. The result of the ballot was as follows:

Number of ballot papers:	112
Invalid ballots:	0
Number of valid ballots:	112
Abstentions:	0
Number of members voting:	112
Required majority:	57
Number of votes obtained:	
Mr. Maurice Viaud	98
Mr. Jorge Pablo Fernandini	91
Mr. Evgeny Nikolaevich Makeev	89
Mr. Amjad Ali	68
Mr. Gopaldaswami Parthasarathi	67

4. Mr. Viaud (France), Mr. Fernandini (Peru), Mr. Makeev (Union of Soviet Socialist Republics) and Mr. Ali (Pakistan), having received the required majority, were declared recommended for appointment as members of the Committee on Contributions for a three-year term beginning on 1 January 1967.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE ON CONTRIBUTIONS

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

(c) Board of Auditors**DOCUMENT A/6383****Note by the Secretary-General**

[Original text: English]
[5 August 1966]

1. Resolution 74 (I), adopted by the General Assembly on 7 December 1946, provides:

"That in 1947 and every year thereafter, the General Assembly shall appoint an Auditor to take

office from 1 July of the following year and to serve for a period of three years."

2. The present membership of the Board of Auditors is as follows:

- The Auditor-General (or officer holding the equivalent title) of Belgium;
- The Auditor-General (or officer holding the equivalent title) of Colombia;
- The Auditor-General (or officer holding the equivalent title) of Pakistan.

3. The Auditor-General of Pakistan was appointed to the Board by the General Assembly at its eighteenth session (resolution 1893 (XVIII), of 6 November 1963) for a three-year term which expires on 30 June 1967. Thus the Assembly will be required at its twenty-first session to fill the resulting vacancy by the appointment, as a member of the Board, of the Auditor-General (or officer holding the equivalent title) of a Member State. The Auditor thus appointed will serve for a period of three years beginning on 1 July 1967.

4. The existing system of external audit involves the provision by members of the Board of Auditors of technical staff from their respective national audit services for the performance of the detailed audit of the accounts, based on an allocation of work agreed upon from time to time among the members of the Board. Under the current arrangements, the Comptroller and Auditor-General of Pakistan provides the staff for

the audit of the accounts of United Nations Headquarters and the United Nations Office at Geneva, the accounts for technical assistance and Special Fund projects entrusted to the United Nations as an administering agency, as well as those central accounts of the United Nations Development Programme (UNDP) for which the Administrator of the Programme is responsible. The latter comprise the UNDP (Technical Assistance) Account and the UNDP (Special Fund) Account as well as the administrative budget for the headquarters and field offices of UNDP. The audit of these accounts has involved the assignment of one directing auditor and 11 auditors for a period of approximately seven months. In addition, it has been necessary for the Comptroller and Auditor-General to devote one month of his time in connexion with the audit of the United Nations accounts.

5. At previous sessions, a draft resolution including the name of a Member State whose Auditor-General (or officer holding the equivalent title) was recommended for appointment has been submitted by the Fifth Committee to the General Assembly. It is suggested that a similar procedure be followed at the twenty-first session.

DOCUMENT A/C.5/1079

Note by the Secretary-General

[Original text: English]
[2 November 1966]

1. As indicated in document A/6383, a vacancy will arise on the Board of Auditors as a result of the expiration on 30 June 1967 of the term of office of the Auditor-General of Pakistan.

2. The Government of Pakistan has proposed the Auditor-General of Pakistan for re-appointment.

* * *

DOCUMENT A/6523

Report of the Fifth Committee

[Original text: English]
[21 November 1966]

1. At its 1150th meeting, held on 18 November 1966, the Fifth Committee considered a note by the Secretary-General (A/6383) concerning the vacancy in the membership of the Board of Auditors which will occur as a result of the expiration of the term of office of one of its members on 30 June 1967.

2. The members of the Fifth Committee had previously been invited to make suggestions in regard to the Auditor-General (or officer holding the equivalent title) who might be recommended to the General Assembly for appointment as a member of the Board of Auditors. At the time the matter was considered by the Committee, the Government of Pakistan had presented the candidature of its Auditor-General (see A/C.5/1079) for appointment to the Board of Auditors in respect of the above-mentioned vacancy.

3. To decide on its recommendation to the General Assembly, the Committee voted by secret ballot. The result of the ballot was as follows:

Number of ballot papers:	108
Invalid ballots:	0

Number of valid ballots:	108
Abstentions:	5
Number of members voting:	103
Required majority:	52
Number of votes obtained:	
The Auditor-General of Pakistan	103

4. The Auditor-General of Pakistan, having received the required majority, was declared recommended for appointment as a member of the Board of Auditors for a three-year term beginning on 1 July 1967.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE BOARD OF AUDITORS

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

(d) United Nations Administrative Tribunal**DOCUMENT A/6384****Note by the Secretary-General**

[Original text: English]
[5 August 1966]

1. Article 3, paragraphs 1 and 2, of the Statute of the United Nations Administrative Tribunal (General Assembly resolution 351 A (IV)) provides that:

"1. The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Only three shall sit in any particular case.

"2. The members shall be appointed by the General Assembly for three years and they may be re-appointed, provided, however, that of the members initially appointed, the terms of two members shall expire at the end of one year and the terms of two members shall expire at the end of two years. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term."

2. The present composition of the Tribunal is as follows:

Mrs. Paul Bastid (France);

The Right Honourable Lord Crook (United Kingdom of Great Britain and Northern Ireland);

Mr. Héctor Gros Espiell (Uruguay);

Mr. Louis Ignacio-Pinto (Dahomey);

Mr. Bror Arvid Sture Petrén (Sweden);

Mr. Francis T. P. Plimpton (United States of America);

Mr. R. Venkataraman (India).

3. At its eighteenth session, the General Assembly, by its resolution 1894 (XVIII) of 6 November 1963, had appointed Mr. Gros Espiell and Mr. Petrén for three-year terms beginning on 1 January 1964. Since the terms of these members of the Tribunal expire on 31 December 1966, it will be necessary for the Assembly at its twenty-first session to appoint two persons to fill the resulting vacancies. The persons so appointed will serve for a period of three years, beginning on 1 January 1967.

4. At previous sessions, the Fifth Committee, after a secret ballot, has submitted to the Assembly a draft resolution containing the names of the persons recommended for appointment to the Tribunal. It is suggested that a similar procedure be followed at the twenty-first session.

DOCUMENT A/C.5/1072**Note by the Secretary-General**

[Original text: English]
[12 October 1966]

1. As indicated in document A/6384, two vacancies have arisen in the membership of the United Nations Administrative Tribunal as a result of the expiration on 31 December 1966 of the terms of office of Mr. Héctor Gros Espiell (Uruguay) and Mr. Bror Arvid Sture Petrén (Sweden).

2. Mr. Gros Espiell and Mr. Petrén have been proposed for re-election for a further term of three years with effect from 1 January 1967.

[Biographical information on the two candidates appeared in the mimeographed version of this document.]

DOCUMENT A/C.5/1083**Note by the Secretary-General**

[Original text: English]
[9 November 1966]

1. The Fifth Committee, by document A/C.5/1072 of 12 October 1966, was advised of the candidature of Mr. Bror Arvid Sture Petrén (Sweden) for one of the two vacancies which will arise in the United Nations Administrative Tribunal as a result of the expiration on 31 December 1966 of the terms of office of Mr. Petrén (Sweden) and Mr. Héctor Gros Espiell (Uruguay). The Secretary-General has received a communication, dated 7 November 1966, from the Permanent Mission of Sweden to the United Nations, informing him that the Swedish Government has decided to withdraw the proposal for Mr. Petrén's re-election consequent upon Mr. Petrén's election as a member of the International Court of Justice.

2. It will therefore be necessary for those concerned to advise the Secretary-General of any nominations for appointment to the Administrative Tribunal as a result of this development.

DOCUMENT A/C.5/1087

Note by the Secretary-General

[Original text: English]
[21 November 1966]

1. As indicated in document A/C.5/1083, a vacancy has arisen in the membership of the United Nations Administrative Tribunal as a result of the expiration on 31 December 1966 of the term of office of Mr. Petré (Sweden) whose candidature for re-election has been withdrawn by communication to the Secretary-General dated 7 November 1966.

2. In addition to Mr. Gros Espiell (Uruguay) who has been nominated for re-election (see A/C.5/1072), the Secretary-General has received the nominations for election of Mr. Zenon Rossides (Cyprus), Mr. Axel Serup (Denmark) and Mr. Zbigniew Resich (Poland).

[Biographical information on the three candidates appeared in the mimeographed version of this document.]

* * *

DOCUMENT A/6549

Report of the Fifth Committee

[Original text: English]
[5 December 1966]

1. At its 1160th meeting, held on 5 December 1966, the Fifth Committee considered a note by the Secretary-General (A/6384) concerning the vacancies which would occur in the membership of the United Nations Administrative Tribunal as a result of the expiration of the terms of office of two of its members on 31 December 1966.

2. The members of the Fifth Committee had previously been invited to suggest the names of persons who might be recommended to the General Assembly for appointment to the Administrative Tribunal in accordance with the provisions of article 3, paragraphs 1 and 2, of the Statute of the Administrative Tribunal (General Assembly resolution 351 A (IV)). When the matter was considered by the Fifth Committee, four names (see A/C.5/1087) had been put forward in respect of the above-mentioned vacancies.

3. To decide who should be recommended for appointment the Committee voted by secret ballot under the terms of rule 96 of the rules of procedure of the General Assembly. The result of the ballot was as follows:

Number of ballot papers:	93
Invalid ballots:	1
Number of valid ballots:	92

Abstentions:	1
Number of members voting:	91
Required majority:	46
Number of votes obtained:	
Mr. Zenon Rossides	67
Mr. Héctor Gros Espiell	66
Mr. Axel Serup	44

Three other persons received a total of 4 votes.

4. Mr. Rossides and Mr. Gros Espiell, having obtained the required majority, were declared recommended for appointment as members of the United Nations Administrative Tribunal for a three-year term beginning on 1 January 1967.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENTS TO FILL VACANCIES IN THE UNITED
NATIONS ADMINISTRATIVE TRIBUNAL

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

(e) United Nations Staff Pension Committee

DOCUMENT A/C.5/1070

Note by the Secretary-General

[Original text: English]
[11 October 1966]

1. By a letter dated 19 September 1966, Mr. James Gibson (United Kingdom of Great Britain and Northern Ireland) submitted his resignation, to take effect on 1 October 1966, from the United Nations Staff Pension Committee.

2. It will be necessary, therefore, for the General Assembly at its present session to appoint a person to fill the unexpired portion of the term of office of Mr. Gibson, that is, until 31 December 1967.

3. Mr. John I. M. Rhodes (United Kingdom of Great Britain and Northern Ireland) has been proposed for election to fill the resulting vacancy.

[*Biographical information on the candidate appeared in the mimeographed version of this document.*]

DOCUMENT A/C.5/1071

Note by the Secretary-General

[*Original text: English*]
[12 October 1966]

1. By a letter dated 16 September 1966, Mr. Albert F. Bender (United States of America) submitted his resignation, to take effect on 1 October 1966, from the United Nations Staff Pension Committee.

2. It will be necessary, therefore, for the General Assembly at its present session to appoint a person to fill the unexpired portion of the term of office of Mr. Bender, that is, until 31 December 1967.

3. Mr. Wilbur H. Ziehl (United States of America) has been proposed for election to fill the resulting vacancy.

[*Biographical information on the candidate appeared in the mimeographed version of this document.*]

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DOCUMENT A/6472

Report of the Fifth Committee

[*Original text: English*]
[14 October 1966]

1. At its 1125th meeting, held on 14 October 1966, the Fifth Committee considered two notes by the Secretary-General, announcing the resignations, with effect from 1 October 1966, of Mr. Albert F. Bender (A/C.5/1071) and Mr. James Gibson (A/C.5/1070) from the United Nations Staff Pension Committee.

2. The members of the Fifth Committee had previously been invited to propose the names of persons who might be recommended to the General Assembly for appointment to the United Nations Staff Pension Committee to fill the two resulting vacancies. Mr. Wilbur H. Ziehl had been proposed for Mr. Bender's post and Mr. John I. M. Rhodes for that of Mr. Gibson.

3. The Fifth Committee voted by secret ballot to decide on its recommendations. The results of the voting were as follows:

(a) To fill the vacancy resulting from Mr. Bender's resignation:

<i>Number of ballot papers:</i>	77
<i>Invalid ballots:</i>	1
<i>Number of valid ballots:</i>	76
<i>Abstentions:</i>	3
<i>Number of members voting:</i>	73
<i>Required majority:</i>	37
<i>Number of votes obtained:</i>	

Mr. Wilbur H. Ziehl 69

One other person received two votes and two other persons one vote each. Mr. Ziehl (United States of America), having received the required majority, was declared recommended for appointment as a member of the United Nations Staff Pension Committee for the unexpired portion of Mr. Bender's term of office, namely for the period ending 31 December 1967.

(b) To fill the vacancy resulting from Mr. Gibson's resignation:

<i>Number of ballot papers:</i>	80
<i>Invalid ballots:</i>	1
<i>Number of valid ballots:</i>	79
<i>Abstentions:</i>	6
<i>Number of members voting:</i>	73
<i>Required majority:</i>	37
<i>Number of votes obtained:</i>	
Mr. John I. M. Rhodes	70

Three other persons received one vote each. Mr. John I. M. Rhodes (United Kingdom of Great Britain and Northern Ireland), having received the required majority, was declared recommended for appointment as a member of the United Nations Staff Pension Committee for the unexpired portion of Mr. Gibson's term

of office, namely for the period ending 31 December 1967.

Recommendation of the Fifth Committee

4. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE UNITED NATIONS STAFF PENSION COMMITTEE

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1424th plenary meeting, on 30 September 1966, the General Assembly adopted without objection the draft resolution submitted by the Fifth Committee on part (a) of the agenda item (A/6445, para. 4). For the final text, see resolution 2135 A (XXI).¹

At its 1452nd plenary meeting, on 26 October 1966, the General Assembly adopted without objection the draft resolution submitted by the Fifth Committee on parts (b) (A/6471, para. 5) and (c) (A/6472, para. 4) of the agenda item. For the final texts, see resolutions 2140 A (XXI) and 2141 (XXI), respectively.¹

At its 1478th plenary meeting, on 25 November 1966, the General Assembly adopted without objection the draft resolutions submitted by the Fifth Committee on parts (a) (A/6445/Add.1, para. 5), (b) (A/6471/Add.1, para. 5) and (c) (A/6523, para. 5) of the agenda item. For the final texts, see resolutions 2135 B (XXI), 2140 B (XXI) and 2157 (XXI), respectively.¹

At its 1485th plenary meeting, on 6 December 1966, the General Assembly adopted without objection the draft resolution submitted by the Fifth Committee on part (d) of the agenda item (A/6549, para. 5). For the final text, see resolution 2168 (XXI).¹

¹ See *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*.



**Agenda item 77:* Scale of assessments for the apportionment of the expenses of the United Nations:
report of the Committee on Contributions****

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, Twenty-first Session, Fifth Committee*, 1168th, 1170th and 1172nd meetings; and *ibid.*, *Plenary Meetings*, 1501st meeting.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 52), sixteenth session (agenda item 57), seventeenth session (agenda item 67), eighteenth session (agenda item 62), twentieth session (agenda item 80).

DOCUMENT A/C.5/1097

Contributions of Indonesia for the years 1965 and 1966

Report of the Secretary-General

[Original text: English]
[6 December 1966]

1. It will be recalled that, by letter dated 20 January 1965 (A/5857),¹ the First Deputy Prime Minister and Minister for Foreign Affairs of Indonesia confirmed information orally given to the Secretary-General on 31 December 1964 to the effect that "Indonesia [had] decided at this stage and under present circumstances to withdraw from the United Nations." On 26 February 1965, after consultations with Member States, the Secretary-General replied (A/5899)² to the foregoing communication, noting the decision of Indonesia, and expressing both regret at that decision and "the earnest hope that in due time [Indonesia] will resume full co-operation with the United Nations".

2. On 19 September 1966, the Ambassador of Indonesia to the United States of America transmitted a message to the Secretary-General from his Government (A/6419),³ stating that it had decided "to resume full co-operation with the United Nations and to resume participation in its activities starting with the twenty-first session of the General Assembly". The President of the General Assembly, at the 1420th plenary meeting on 28 September 1966, read this communication to the Assembly, and outlined the previous history of the matter. He continued:

"It would . . . appear that the Government of Indonesia considers that its recent absence from the

Organization was based not upon a withdrawal from the United Nations but upon a cessation of co-operation. The action so far taken by the United Nations on this matter would not appear to preclude this view. If this is also the general view of the membership, the Secretary-General would give instructions for the necessary administrative actions to be taken for Indonesia to participate again in the proceedings of the Organization. It may be assumed that, from the time that Indonesia resumes participation, it will meet in full its budgetary obligations. If it is the general view that the bond of membership has continued throughout the period of non-participation, it would be the intention of the Secretary-General to negotiate an appropriate payment with the representatives of Indonesia for that period and to report the outcome of his negotiations to the Fifth Committee for its consideration."

At the conclusion of the President's statement, the delegation of Indonesia was seated without objection.

3. Prior to the President's statement referred to above, the legal effect of the initial communication from Indonesia regarding its withdrawal was not altogether clear. Thus, for example, the name of Indonesia does not appear in resolution 2118 (XX) of 21 December 1965, whereby the Assembly fixed the scale of assessments of Member States for the financial years 1965, 1966 and 1967—nor is it assessed in the same resolution as a non-member for the expenses of certain organs in which non-members participate. The President's statement, however, to which no objection was raised, reflects a general consensus that a cessation of co-operation was involved, not a withdrawal. The general consensus also reflects the view that in order to indicate the continuation of the bond of membership by Indo-

¹ Also issued as document S/6157 (see *Official Records of the Security Council, Twentieth Year, Supplement for January, February and March 1965*).

² Also issued as document S/6202 (see *Official Records of the Security Council, Twentieth Year, Supplement for January, February and March 1965*).

³ Also issued as document S/7498 (see *Official Records of the Security Council, Twenty-first Year, Supplement for July, August and September 1966*).

nesia, an "appropriate payment" should be made for the period of non-participation, full budgetary obligations arising again as of the date of Indonesia's return.

4. As indicated in the statement of the President, the Secretary-General has undertaken negotiations with the representatives of Indonesia regarding the "appropriate payment" for the period of non-participation, namely, from 1 January 1965 to 28 September 1966. Additionally, the negotiations have also dealt with the appropriate payment for the remaining portion of 1966 after Indonesia resumed its co-operation with the Organization, or from 28 September to 31 December 1966. As a result of these negotiations, Indonesia has offered to pay 10 per cent of the amount which it would have been assessed for the regular budget and for the Special Account of the United Nations Emergency Force (UNEF) for the period of its non-participation on the basis of the rate (0.39 per cent) proposed for Indonesia in the scale of assessments for the financial years 1965-1966 and 1967 recommended by the Committee on Contributions in its report to the nineteenth session of the General Assembly.⁴ It has also offered to pay 25 per cent of the amounts which it would have been assessed for 1966 at the 0.39 per cent rate for the regular budget and the Special Account of UNEF, this percentage corresponding approximately to the pro-

⁴ *Official Records of the General Assembly, Nineteenth Session, Supplement No. 10, para. 52*

portion of the year 1966 during which it will have resumed co-operation with the Organization.

5. The Secretary-General believes, in the light of the considerations outlined above and of the fact that Indonesia derived no benefits during the period of non-participation, that the above proposals may be regarded as appropriate by the Fifth Committee.

6. If the proposals of Indonesia outlined above are approved by the General Assembly, its net assessments for the regular budget—before adjustment for a credit in the Working Capital Fund referred to hereafter—and for the Special Account of UNEF would be as follows:

Period	Regular budget	UNEF United States dollars	Total
1965	33,204	1,847	35,051
1966 (to 28 September) ..	29,823	1,378	31,201
1966 (from 28 September)	99,411	4,594	104,005
TOTAL	162,438	7,819	170,257

Since Indonesia has a credit in the Working Capital Fund of \$180,000 and its assessment in respect of a Working Capital Fund of \$40 million at the 0.39 per cent rate would be only \$156,000, the difference of \$24,000 would be credited against its net assessments for the regular budget, thereby reducing the total due in respect of the regular budgets for 1965 and 1966 to \$138,438.

DOCUMENT A/6630

Report of the Fifth Committee

[Original text: English]
[19 December 1966]

1. At its 1168th and 1170th meetings, on 15 and 16 December 1966, the Fifth Committee considered the scale of assessments for the apportionment of the expenses of the United Nations. It had before it the report of the Committee on Contributions (A/6310 and Add.1), and a report by the Secretary-General entitled "Contributions by Indonesia for the years 1965 and 1966" (A/C.5/1097).

2. The Chairman of the Committee on Contributions, introducing the report of that Committee, referred to the detailed study it had undertaken of the effect on the scale of variations in the present system of allowances for low *per capita* income. He recalled that under the present formula all Member States with *per capita* income below \$1,000 received an allowance which reduced their national income for the purpose of assessment by a proportion which progressively increased toward the maximum allowance of 50 per cent for the very lowest *per capita* incomes. The Committee had studied the effects of raising and lowering the present upper limit of \$1,000; of increasing to varying degrees the maximum allowance of 50 per cent, and of making special increases in the allowance for the lower ranges of *per capita* income. The study had provided the Committee with useful information, but had led it to the conclusion that it would be advisable to appraise the effects of any change in its basic rules in the context of a general review of the scale and in relation to the later national income figures which would form the basis of the Committee's review of the scale in 1967. In accordance with the General Assembly's request,

the Committee on Contributions would continue its efforts to give due attention to the developing countries in view of their special economic and financial problems, and to this end the Committee on Contributions would take into account the very useful information obtained through its study. In the addendum to its report (A/6310/Add.1), the Committee on Contributions had recommended that the four new Members—Barbados, Botswana, Guyana and Lesotho—be assessed for 1967 at the minimum rate, or 0.04 per cent. In line with previous General Assembly decisions, the Committee had further recommended that the new Members should contribute for their year of admission one ninth of the contribution for a full year. In connexion with the Committee's recommendation that Indonesia, which had resumed its co-operation with the United Nations on 28 September 1966, should be assessed at the rate of 0.39 for 1967, he recalled that this was the rate originally included in the scale for 1965, 1966 and 1967 contained in the Committee's 1964 report.⁵

3. In the course of the discussion, tribute was paid to the conscientious manner in which the Committee on Contributions carried out its complex task of arriving at a scale of the relative capacities to pay of Member States and of the efforts made to obtain as comparable statistical data as possible for its work.

4. Support was given to the conclusion reached by the Committee on Contributions that it should not at the present time attempt to change its basic rules, but

⁵ *Ibid.*

that the effect of such changes should be evaluated in the context of a general review of the scale. In this connexion, it was hoped that at its review of the scale in 1967, the Committee on Contributions would continue its study of the allowance made for low *per capita* income, arriving at a more systematic allowance of relief to developing countries, including the downward adjustments in the rates of countries with *per capita* income below \$300; the present level of \$1,000 below which an allowance for low *per capita* income is given might also require further examination. The principles underlying the preparation of the scale must, it was stated, be interpreted in the light of world economic conditions. This had been recognized by the Committee on Contributions in deciding that a special allowance for temporary dislocation of national economies arising out of the Second World War was no longer required, and by the efforts made by it to give special attention to developing countries in accordance with the relevant resolutions of the General Assembly. A reappraisal of the guide-lines of the Committee might suggest a permanent arrangement to that effect.

5. The view was also expressed that, in arriving at the next three-year scale for 1968, 1969 and 1970, the difficulty of Members in obtaining foreign currency for the payment of their contributions should be given due consideration. With the increase in the budgets of the United Nations and its specialized agencies, and the additional cost of maintaining the permanent missions and of participation in international meetings, this factor had become increasingly important. Furthermore, it had to be remembered that the funds used for this purpose had, for the majority of Member States, to be diverted from their programmes of economic development. It was also important to ensure that, in the application of the ceiling and the *per capita* ceiling principles, the burden of assessment was not shifted to countries with limited capacity to pay, and reductions in the assessment of the developed countries should only occur in very exceptional circumstances.

6. One delegation (the delegation of China, at the 1170th meeting) advanced arguments for a reduction in its assessment and asked the Committee on Contributions to take these considerations into account in its general review of the scale in 1967.

7. With reference to the consensus of the General Assembly of 1 September 1965,⁶ and the statement of the Committee on Contributions in its report (A/6310,

para. 12) that at the present time the amount of arrears due by any Member State to the regular budget of the United Nations is in all cases less than the contributions due from it for the preceding two financial years, it was pointed out that it was also an important element of the consensus that the Organization's financial difficulties should be solved through voluntary contributions with the more highly developed countries making substantial contributions.⁷

CONTRIBUTIONS OF INDONESIA FOR 1965 AND 1966

8. In his report on the contributions of Indonesia for the years 1965 and 1966 (A/C.5/1097), the Secretary-General had reported on the negotiations that he had undertaken with the Government of Indonesia in accordance with the understanding reached by the General Assembly at its 1420th plenary meeting, on 28 September 1966.

9. The Fifth Committee took note of the Secretary-General's report and approved the contributions proposed for Indonesia for 1965 and 1966, as follows:

Period	Regular budget	UNEP	Total
	United States dollars		
1965	33,204	1,847	35,051
1966 (to 28 September) ..	29,823	1,378	31,201
1966 (from 28 September)	99,411	4,594	104,005
	TOTAL	162,438	170,257

Decision of the Committee

10. At the conclusion of the discussion, the Fifth Committee approved unanimously the draft resolution recommended by the Committee on Contributions (A/6310/Add.1, para. 11).

Recommendation of the Fifth Committee

11. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

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

⁶ *Ibid.*, Nineteenth Session, Plenary Meetings, 1331st meeting, paras. 3 and 4.

⁷ *Ibid.*, Nineteenth Session, Annexes, annex No. 21, document A/5916, para. 2.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1501st plenary meeting, on 20 December 1966, the General Assembly adopted unanimously the draft resolution submitted by the Fifth Committee (A/6630, para. 11). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2240 (XXI).

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 or description</i>	<i>Observations and references</i>
A/6310	Report of the Committee on Contributions	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 10</i>
A/6310/Add.1	Addendum to the report of the Committee on Contributions	<i>Ibid., Supplement No. 10A</i>
A/C.5/1064	Collection of contributions as at 30 September 1966: report of the Secretary-General	Mimeographed
A/C.5/L.895	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1172nd meeting, see A/6630



Agenda item 78: Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:*****

- (a) **Earmarkings and contingency authorizations from the Special Account of the Expanded Programme of Technical Assistance;**
- (b) **Allocations and allotments from the Special Fund.**

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** For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1167th and 1168th meetings; and *ibid., Plenary Meetings*, 1495th meeting.

*** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 53), sixteenth session (agenda item 58), seventeenth session (agenda item 68), eighteenth session (agenda item 63), twentieth session (agenda item 81).

DOCUMENT A/6580

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[13 December 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a note (see A/6511) by the Secretary-General submitting, in accordance with paragraph 7 of General Assembly resolution 519 A (VI), the audit reports for the year ended 31 December 1965 relating to expenditure by specialized agencies¹ and the International Atomic Energy Agency of technical assistance funds earmarked 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 1965. Also included in the same document are financial statements in respect of the secretariat of the Technical Assistance Board and a statement showing the status of funds of the Special Account for the Expanded Programme of Technical Assistance as at

31 December 1965.² The relevant comments of the Advisory Committee on the financial report and accounts of the United Nations are to be found in the Committee's report contained in document A/6376.³

3. The combined statement reproduced as annex 1 to the Secretary-General's note shows that the total funds earmarked during the year under review from the Special Account to the eleven organizations participating in the Expanded Programme (including the United Nations) amounted to \$54,092,595. Obligations were incurred during 1965 totalling \$48,763,764, including \$42,482,291 for project costs and \$6,281,473 for administrative and operational service costs. The unencumbered balance of earmarkings as at 31 December 1965 thus amounted to \$5,328,831, which, together with savings and miscellaneous income of \$665,386, resulted in a total balance as at 31 December 1965 of \$5,994,217.

4. The Advisory Committee has studied the reports submitted by the external auditors on the status of funds of the participating agencies. It has noted that audit certificates without specific observations have been

¹ The 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, Universal Postal Union, International Telecommunication Union, World Meteorological Organization and the Intergovernmental Maritime Consultative Organization.

² *Official Records of the General Assembly, Twenty-first Session, Supplement No. 6*, statements IV, VI and VII.

³ *Ibid., Twenty-first Session, Annexes*, agenda item 72.

issued for all the agencies. The Committee has taken note of the comments by the external auditor relating to the accounting practices of one of the agencies whereby balances of trust fund accounts are included

under the heading "Accounts payable and other credit balances", although these balances "have no organic connexion with the Expanded Programme of Technical Assistance" (see A/6511, annex 6).

DOCUMENT A/6581

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[13 December 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a note (see A/6512) by the Secretary-General submitting to the General Assembly, in accordance with article 25.3 of the Financial Regulations of the Special Fund,⁴ the audit reports for the year ended 31 December 1965 relating to expenditure by executing agencies⁵ 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 1965.⁶ Also included in the same document are financial statements in respect of the administrative budget of the Managing Director and a statement showing the status of income and allocations of the Special Fund as at 31 December 1965. The relevant comments of the Advisory Committee on the financial report and accounts of the United Nations are

⁴ Article 25.3 of the Financial Regulations of the Special Fund reads as follows:

"The annual accounts showing the consolidated financial position of the Special Fund, with audit certificate from the United Nations Board of Auditors and their report, if any, shall be transmitted to the United Nations General Assembly."

⁵ The 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 Bank for Reconstruction and Development, International Telecommunication Union, World Meteorological Organization and the International Atomic Energy Agency.

⁶ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 6*, statements V, VIII, IX and X.

to be found in the Committee's report contained in document A/6376.⁷

3. The combined statement reproduced as annex 1 to the Secretary-General's note shows that the balance of allocations and other available funds as at 31 December 1964 was \$150,393,772, while miscellaneous income and exchange adjustments (net) surrendered to the central fund amounted to \$3,646. Unliquidated commitments at 31 December 1964 were \$41,366,344. The total of funds allocated during 1965 to the ten executing agencies (including the United Nations) amounted to \$83,124,281. During the same period, cash disbursements were \$66,346,569 and the unliquidated balance of commitments and obligations amounted to \$58,897,700 at 31 December 1965. Taking into account a sum of \$7,175 recorded under the item "Miscellaneous income and exchange adjustments (net)", the balance of allocations and other available funds left on 31 December 1965 was accordingly \$149,650,949.

4. The Advisory Committee has studied the reports submitted by the external auditors of the executing agencies on the accounts of these agencies, and it notes that audit certificates without observations have been issued for all the agencies except one. The Advisory Committee has taken note of the observations by the auditor contained in paragraphs 3 to 8 of the audit report contained in annex 4 (b) of the Secretary-General's note and understands that consultations are being held between the parties concerned to satisfy those comments.

⁷ *Ibid.*, *Twenty-first Session, Annexes*, agenda item 72.

DOCUMENT A/C.5/1104

Note by the Secretary-General

[Original text: English]
[12 December 1966]

A

1. For the financial year 1950 and onwards the Secretary-General has been signing as approved the year-end financial statements relating to the Special Account of the Expanded Programme of Technical Assistance and has been submitting them to the General Assembly. In accordance with General Assembly resolution 519 A (VI), he has also been submitting to the Assembly, from the financial year 1953 onwards, the audited accounts and audit reports of the specialized agencies and the International Atomic Energy Agency (IAEA) together with a statement showing the consolidated financial position of the Special Account of

the Expanded Programme of Technical Assistance. For the financial year 1961 and onwards, he has been signing as approved this consolidated financial statement.

2. General Assembly resolution 2029 (XX) had the effect of establishing the United Nations Development Programme by merging the Expanded Programme of Technical Assistance and the Special Fund, establishing a Governing Council to govern the Programme and appointing an administrator who as such supervises the operations as a whole under the direction of the Governing Council. Under the resolution the General Assembly decided to combine the Expanded Programme of Technical Assistance and the Special Fund in a programme to be known as the United Nations Develop-

ment Programme, it being understood that the special characteristics and operations of the two programmes, as well as two separate funds, would be maintained and that, as before, contributions might be pledged to the two programmes separately; the Assembly reaffirmed the principles, procedures and provisions governing the Expanded Programme of Technical Assistance and the Special Fund not inconsistent with the present resolution and declared that they should continue to apply to relevant activities within the United Nations Development Programme; and the Assembly resolved that a... Governing Council of the United Nations Development Programme should be established to perform the functions previously exercised by the Governing Council of the Special Fund and the Technical Assistance Committee, including the consideration and approval of projects and programmes and the allocation of funds; in addition, it should provide general policy guidance and direction for the United Nations Development Programme as a whole, as well as for the United Nations regular programmes of technical assistance.

3. In view of the consolidation of the Special Fund and the Expanded Programme of Technical Assistance into a United Nations Development Programme, the financial administration of which is performed by an administrator under the direction of the Governing Council, the Administrator of the United Nations Development Programme has agreed to sign as approved the year-end financial statements relating to the Special Account of the Expanded Programme of Technical Assistance, including the consolidated financial statement, and to submit these together with the audited accounts and audit reports of the specialized agencies and IAEA to the General Assembly and the Governing Council, beginning with those relating to the financial year 1966.

4. A similar arrangement for the treatment of the Special Fund year-end accounts will be proposed to the Governing Council in the form of revised Financial Regulations of the Special Fund.

5. The Secretary-General will continue to submit to the General Assembly and sign as approved the year-end

financial statements relating to the United Nations as a participating organization in the Expanded Programme of Technical Assistance and as an executing agency of the Special Fund.

B

6. General Assembly resolution 1240 (XIII), part B, paragraph 53, provided that:

“The Special Fund shall be governed by financial regulations consistent with the financial regulations and policies of the United Nations. The financial regulations for the Fund shall be drafted by the Secretary-General of the United Nations, in consultation with the Managing Director, for approval by the Governing Council, after review by the Advisory Committee for Administrative and Budgetary Questions...”

With respect to the Expanded Programme of Technical Assistance, no such comparable authority was given to the Technical Assistance Committee of the Economic and Social Council. The adoption of General Assembly resolution 2029 (XX) makes it appropriate and desirable for the financial regulations governing both component programmes to be subject to the same arrangements for preparation and review and to have the same legal status. Resolution 1240 (XIII), part B, paragraph 53, might thus be considered to have been modified by resolution 2029 (XX) as follows:

“The United Nations Development Programme shall be governed by financial regulations consistent with the financial regulations and policies of the United Nations. The financial regulations for the United Nations Development Programme shall be drafted by the Secretary-General of the United Nations, in consultation with the Administrator, for approval by the Governing Council, after review by the Advisory Committee for Administrative and Budgetary Questions.”

7. The Secretary-General believes that the General Assembly may wish to take note of the revised arrangements described above.

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DOCUMENT A/6596

Report of the Fifth Committee

[Original text: English]
[15 December 1966]

Decisions and recommendations of the Fifth Committee

1. The Fifth Committee, at its 1167th meeting, on 14 December 1966, considered the agenda item on the audit reports relating to expenditure by the specialized agencies and IAEA. It had before it for this purpose the audit reports for the year ended 31 December 1965 relating to expenditure by specialized agencies and IAEA of technical assistance funds earmarked from the Special Account (A/6511), the audit reports for the year ended 31 December 1965 relating to expenditure by executing agencies of funds allocated from the Special Fund (A/6512), related reports by the Advisory Committee on Administrative and Budgetary Questions (A/6580, A/6581), as well as a note by the Secretary-General (A/C.5/1104).

2. The Committee decided to recommend that the General Assembly should take note of the new arrangements relating to the submission of similar future reports concerning the year-end consolidated financial positions and the year-end financial statements of the Special Account, as stated in paragraphs 3 to 5 of the Secretary-General's note (A/C.5/1104).

3. The Committee also decided to recommend that the General Assembly should take note of the proposed interpretation of the modification of its resolution 1240 (XIII), part B, paragraph 53, by resolution 2029 (XX), as follows:

“The United Nations Development Programme shall be governed by financial regulations consistent with the financial regulations and policies of the United Nations. The financial regulations for the United Nations Development Programme shall be drafted by the Secretary-General of the United Nations, in consultation with the Administrator, for approval by the Governing Council, after review by the Advisory Committee for Administrative and Budgetary Questions.”

4. The Fifth Committee recommends 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

[Draft resolutions A and B were adopted by the General Assembly without change. See “Action taken by the General Assembly” below.]

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1495th plenary meeting, on 16 December 1966, the General Assembly took note of paragraphs 2 and 3 of the Fifth Committee's report (A/6596) and, in particular, of the proposed interpretation of the modification of paragraph 53 of part B of its resolution 1240 (XIII) of 14 October 1958 by resolution 2029 (XX) of 22 November 1965, as follows:

[For the text, see A/6596, para. 3, above.]

At the same meeting the General Assembly adopted without objection draft resolutions A and B submitted by the Fifth Committee (A/6596, para. 4). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2196 A (XXI) and 2196 B (XXI).

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 or description</i>	<i>Observations and references</i>
A/6511	Audit reports for the year ended 31 December 1965 relating to expenditures by specialized agencies and the International Atomic Energy Agency of technical assistance funds earmarked from the Special Account	<i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , addendum 1 to agenda item 78
A/6512	Audit reports for the year ended 31 December 1965 relating to expenditures by executing agencies of funds allocated from the Special Fund	<i>Ibid.</i> , addendum 2 to agenda item 78
A/C.5/L.892	Draft report of the Fifth Committee	Same text as A/6596



Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:

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

DOCUMENT A/6511

Audit reports for the year ended 31 December 1965 relating to expenditure by specialized agencies and the International Atomic Energy Agency of technical assistance funds earmarked from the Special Account

[Original text: English/French]
[11 November 1966]

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Letter of transmittal

1 November 1966

Sir,

I have the honour to transmit to you the Consolidated Status of Funds for the Expanded Programme of Technical Assistance as at 31 December 1965 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) S. M. RAZA, S.Pk.,
Member, 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 Expanded Programme of Technical Assistance as at 31 December 1965 and the report of the Board of Auditors in accordance with General Assembly resolution 519 A (VI) and with article 30.3 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 1965 have been approved:

International Atomic Energy Agency by its General Conference on 27 September 1966;

International Labour Organisation by its General Conference on 14 June 1966;

International Telecommunication Union by its Administrative Council in June 1966;

Universal Postal Union by its Executive Council on 17 May 1966;

World Health Organization by the Nineteenth World Health Assembly on 11 May 1966;

World Meteorological Organization by its Executive Committee on 10 June 1966.

The audit reports of the following participating organizations for the year 1965 will be submitted to their legislative bodies for approval as follows:

Food and Agriculture Organization of the United Nations at its Conference in November 1967;

International Civil Aviation Organization at its Assembly in June 1968;

Inter-Governmental Maritime Consultative Organization at its Assembly in 1967;

United Nations Educational, Scientific and Cultural Organization at its General Conference in November 1966.

4. The audit reports of the following participating organizations for the year 1964 have been approved:

Food and Agriculture Organization of the United Nations by its Conference on 6 December 1965;

United Nations Educational, Scientific and Cultural Organization by its Executive Board on behalf of its General Conference in November 1965.

5. The audit report of the Food and Agriculture Organization of the United Nations for the year 1963 has been approved by its Conference on 6 December 1965.

6. 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 1965. 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 of the Expanded Programme of Technical Assistance at 31 December 1965.¹

¹ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 6 (A/6306, statements IV, VI and VII).*

Consolidated status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964	6,529,887
Contributions pledged by Governments less exchange adjustments upon collection	53,542,575
Contributions of Governments towards local living costs of experts	3,421,525
Contributions of Governments towards operating costs of TAB offices	1,686,394
Miscellaneous income and exchange adjustments (<i>net</i>)	160,547
Savings in liquidating prior years' obligations	588,650
Subvention from the Special Fund	3,662,400

69,591,978

	<i>Operating costs of projects</i>	<i>Administrative and operational services costs</i>	<i>Total</i>
<i>Less:</i>			
Obligations incurred:			
United Nations	9,057,245	1,258,299	10,315,544
FAO	10,152,122	1,538,915	11,691,037
IAEA	547,616	123,982	671,598
ICAO	1,756,384	267,845	2,024,229
ILO	4,515,962	633,890	5,149,852
IMCO	—	23,000	23,000
ITU	1,062,172	130,000	1,192,172
UNESCO	7,266,580	1,010,731	8,277,311
UPU	293,992	60,000	353,992
WHO	6,817,651	1,067,111	7,884,762
WMO	1,012,567	167,700	1,180,267
	<u>42,482,291</u>	<u>6,281,473</u>	<u>48,763,764</u>

TAB:

Headquarters secretariat and other joint administrative costs	1,183,525	
Field offices:		
Chargeable to approved budget	7,093,617	
Chargeable to Governments	1,661,143	9,938,285

Increase of Working Capital and Reserve Fund	500,000	59,202,049
		<u>10,389,929</u>

Represented by:

Cash at banks, on hand and in transit	18,859,573
Investments	5,697,160
Contributions pledged but not received at 31 December 1965	8,836,741
Contributions receivable from Governments towards local living costs of experts	1,326,226
Accounts receivable and sundry debit balances	8,838,748
	<u>43,558,448</u>

<i>Less:</i>		
Unliquidated obligations, 1965	6,340,439	
Unliquidated obligations, prior years	4,561,718	
Working Capital and Reserve Fund	13,000,000	
Accounts payable and sundry credit balances	9,266,362	33,168,519
		<u>10,389,929</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 Expanded Programme of Technical Assistance as at 31 December 1965 has been examined in accordance with my directions. I have obtained all 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) S. M. RAZA, S.Pk., Pakistan
Member

November 1966

Report of the Board of Auditors to the General Assembly on the consolidated status of funds for the Expanded Programme of Technical Assistance as at 31 December 1965

1. In accordance with the provisions of Article 30.3 of the Financial Regulations of the Expanded Programme of Technical Assistance the Board of Auditors is required to audit, certify and report on the consolidated status of funds for this Programme.

2. The Secretary-General submitted to the Board the consolidated status of funds as per 31 December 1965, together with a combined statement showing separately the status of funds of the participating organizations as at that date.

3. The relevant data for the consolidation included in the status of funds as at 31 December 1965 consisted of:

(a) The Special Account for the Expanded Programme of Technical Assistance (statement IV of the United Nations accounts for 1965);

(b) The Technical Assistance Board secretariat (statement VII of the United Nations accounts for 1965);

(c) The United Nations as a participating organization in EPTA (statement VI of the United Nations accounts for 1965);

(d) The other participating organizations.

4. It may be observed that, as in the previous years, the figures of statement VI of the United Nations accounts include, besides those for projects executed under the Expanded Programme, also items relating to the United Nations regular programmes as well as for other activities. However, the totals for income and expenditure of the regular programmes have been eliminated and the other items do not affect the outcome of the consolidated status for the Expanded Programme.

5. For observations by the External Auditors on the various accounts of the other participating organizations, reference is invited to their certificates and audit reports.

6. 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 1965 has been certified without observations.

On behalf of the Board of Auditors,

(Signed) S. M. RAZA, S.Pk., *Pakistan*
Member

2 November 1966

ANNEX 1

Combined statement showing the status of funds of the participating organizations as at 31 December 1965*(Expressed in United States dollars)*

	<i>FAO</i>	<i>IAEA</i>	<i>ICAO</i>	<i>ILO</i>	<i>IMCO</i>	<i>ITU</i>	<i>UNESCO</i>	<i>United Nations</i>	<i>UPU</i>	<i>WHO</i>	<i>WMO</i>	<i>Total participating organizations</i>
Balance as at 31 December 1964	1,130,495	134,294	252,201	531,369	—	175,187	900,373	613,075	57,739	100,451	14,831	3,910,015
<i>Less:</i>												
Unobligated balances of 1964 earmarkings, miscellaneous income and exchange adjustments (<i>net</i>) surrendered to the Special Account	1,130,495	134,294	252,201	531,369	—	175,187	900,373	613,075	57,739	100,451	14,831	3,910,015
	—	—	—	—	—	—	—	—	—	—	—	—
Funds earmarked during 1965	12,835,523	1,024,685	2,411,646	5,630,769	23,000	1,493,788	9,296,024	10,763,886	438,834	8,756,302	1,418,138	54,092,595
<i>Less:</i>												
Obligations incurred:												
Project costs	10,152,122	547,616	1,756,384	4,515,962	—	1,062,172	7,266,580	9,057,245	293,992	6,817,651	1,012,567	42,482,291
Administrative and operational services costs	1,538,915	123,982	267,845	633,890	23,000	130,000	1,010,731	1,258,299	60,000	1,067,111	167,700	6,281,473
	11,691,037	671,598	2,024,229	5,149,852	23,000	1,192,172	8,277,311	10,315,544	353,992	7,884,762	1,180,267	48,763,764
Unencumbered balance of earmarkings as at 31 December 1965	1,144,486	353,087	387,417	480,917	—	301,616	1,018,713	448,342	84,842	871,540	237,871	5,328,831
<i>Add:</i>												
Savings on liquidation of prior years' obligations	118,625	70,843	—	—	—	69,553	76,353	134,549	11,093	68,797	—	549,813
Miscellaneous income	180,112	1,354	3,975	25,152	—	2,314	6,867	67,553	—	26,313	400	314,040
Exchange adjustments (<i>net</i>)	(44,420)	(1,661)	(9,178)	(20,044)	—	(2,052)	(6,194)	(71,691)	18	(39,660)	(3,585)	(198,467)
	254,317	70,536	(5,203)	5,108	—	69,815	77,026	130,411	11,111	55,450	(3,185)	665,386
Balance as at 31 December 1965	1,398,803	423,623	382,214	486,025	—	371,431	1,095,739	578,753	95,953	926,990	234,686	5,994,217
Represented by:												
Cash at banks, on hand and in transit	2,064,356	285,851	333,057	1,729,106	—	302,698	1,609,191	3,312,666	21,196	765,995	146,961	10,571,077
Undrawn earmarkings	697,830	415,112	469,644	454,968	—	422,626	1,770,593	1,045,360	215,633	2,550,608	477,597	8,519,971
Accounts receivable and sundry debit balances	1,073,839	37,228	47,132	465,331	—	20,456	816,369	3,482,075	—	109,883	21,759	6,074,072
	3,836,025	738,191	849,833	2,649,405	—	745,780	4,196,153	7,840,101	236,829	3,426,486	646,317	25,165,120

ANNEX 1 (continued)

Combined statement showing the status of funds of the participating organizations as at 31 December 1965 (continued)

(Expressed in United States dollars)

	FAO	IAEA	ICAO	ILO	IMCO	ITU	UNESCO	United Nations	UPU	WHO	WMO	Total participating organizations
<i>Less:</i>												
Unliquidated obligations, 1965	1,091,208	167,244	206,333	450,943	—	235,504	1,322,918	1,336,113	128,296	990,188	254,442	6,183,189
Unliquidated obligations, prior years ..	396,981	131,071	228,878	501,769	—	65,165	1,184,040	716,099	9,154	1,260,719	67,842	4,561,718
Accounts payable and sundry credit balances	940,033	16,253	37,408	1,210,668	—	73,680	593,456	5,200,136	3,426	249,580	80,347	9,425,006
	<u>2,437,222</u>	<u>314,568</u>	<u>467,619</u>	<u>2,163,380</u>	<u>—</u>	<u>374,349</u>	<u>3,100,414</u>	<u>7,261,348</u>	<u>140,876</u>	<u>2,499,496</u>	<u>411,631</u>	<u>19,170,903</u>
	<u>1,398,803</u>	<u>423,623</u>	<u>382,214</u>	<u>486,025</u>	<u>—</u>	<u>371,431</u>	<u>1,095,739</u>	<u>578,753</u>	<u>95,953</u>	<u>926,990</u>	<u>234,686</u>	<u>5,994,217</u>
The balance as at 31 December 1965 is made up as follows:												
Savings in liquidating prior years' obligations, miscellaneous income and exchange adjustments (<i>net</i>)	254,317	70,536	(5,203)	5,108	—	69,815	77,026	130,411	11,111	55,450	(3,185)	665,386
Unobligated balance of authorizations from the Working Capital and Reserve Fund	14,806	—	3,832	—	—	4,428	7,571	15,874	—	—	3,995	50,506
Unobligated balance of re-allocations to cover forward contractual commitments from the 1961-1962 biennium	—	—	—	—	—	—	108,935	—	—	—	—	108,935
	<u>269,123</u>	<u>70,536</u>	<u>(1,371)</u>	<u>5,108</u>	<u>—</u>	<u>74,243</u>	<u>193,532</u>	<u>146,285</u>	<u>11,111</u>	<u>55,450</u>	<u>810</u>	<u>824,827</u>
Unobligated 1965 earmarkings retained by the participating organizations for the second year of the biennium	1,129,680	353,087	383,583	480,917	—	297,188	902,207	432,468	84,842	871,540	233,876	5,169,390
	<u>1,398,803</u>	<u>423,623</u>	<u>382,214</u>	<u>486,025</u>	<u>—</u>	<u>371,431</u>	<u>1,095,739</u>	<u>578,753</u>	<u>95,953</u>	<u>926,990</u>	<u>234,686</u>	<u>5,994,217</u>

ANNEX 2

Food and Agriculture Organization of the United Nations: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		1,130,495	
<i>Less:</i>			
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		1,130,495	
Balance, reallocated in 1965		—	
Earmarkings from contributions and other available funds in 1965		12,835,523	
			12,835,523
Obligations incurred during 1965:			
Project costs	10,152,122		
Administrative and operational services costs	1,538,915	11,691,037	
			1,144,486
Excess of earmarkings and other available funds over obligations incurred			1,144,486
<i>Less:</i>			
Unobligated balance of authorizations from the Working Capital and Reserve Fund			14,806
Balance of earmarkings to be carried forward to 1966			1,129,680
<i>Add:</i>			
Other Income:			
Savings on liquidation of prior years' obligations	118,625		
Miscellaneous	180,112		
Exchange adjustments (<i>net</i>)	(44,420)		
		254,317	
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		14,806	
Total of credits to revert to the Special Account			269,123
Balance as at 31 December 1965			1,398,803
Represented by:			
Cash at banks, on hand or in transit	2,064,356		
Undrawn earmarkings	697,830		
Accounts receivable, advances, deposits, etc.	1,073,839	3,836,025	
<i>Less:</i>			
Unliquidated obligations, 1963/64	396,981		
Unliquidated obligations, 1965	1,091,208		
Accounts payable and other credit balances	949,033	2,437,222	
			1,398,803

(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 under-developed countries, for the period 1 January to 31 December 1965, 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 THE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AS AT 31 DECEMBER 1965

GENERAL.

1. The Accounts relating to the participation of the Food and Agriculture Organization in the Expanded Programme of Technical Assistance for the year ended 31 December 1965 consist of statement I showing the status as at 31 December 1965 of the Technical Assistance Funds earmarked to the Organization, supported by the related Schedule of Project Costs (schedule A). The statement 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. Certified copies

of this Report have been sent to the Administrator of the United Nations Development Programme.

LOSSES AND WRITE-OFFS

3. I have examined the losses and write-offs totalling \$4,661 which are listed in the financial report of the Director-General. I have no comments to make upon them.

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

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

ANNEX 3

Inter-Governmental Maritime Consultative Organization: status of funds as at 31 December 1965

(Expressed in United States dollars)

Allocation from EPTA	\$23,000	Transfer to IMCO Technical Assistance Fund	\$23,000
	<u> </u>		<u> </u>

(Signed) Jean ROULLIER
Secretary-General

(Signed) A. A. WEMPE
Head of Section
Finance Personnel and
Miscellaneous Services

AUDIT CERTIFICATE

Certified correct

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

ANNEX 4

International Atomic Energy Agency: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		134,294
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		134,294
		<hr/>
Balance, re-allocated in 1965		—
Earmarkings from contributions and other available funds in 1965		1,024,685
		<hr/>
		1,024,685
Obligations incurred during 1965:		
Project costs	547,616	
Administrative and operational services costs	123,982	671,598
	<hr/>	<hr/>
Excess of earmarkings and other available funds over obligations incurred		353,087
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		—
		<hr/>
Balance of earmarkings to be carried forward to 1966		353,087
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	70,843	
Miscellaneous	1,354	
Exchange adjustments (<i>net</i>)	(1,661)	
	<hr/>	
	70,536	
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund	—	
Total of credits to revert to the Special Account		70,536
		<hr/>
Balance as at 31 December 1965		423,623
		<hr/> <hr/>
Represented by:		
Cash at banks, on hand or in transit	285,851	
Undrawn earmarkings	415,112	
Accounts receivable, advances, deposits, etc.	37,228	738,191
	<hr/>	<hr/>
<i>Less:</i>		
Unliquidated obligations, 1964	131,071	
Unliquidated obligations, 1965	167,244	
Accounts payable and other credit balances	16,253	314,568
	<hr/>	<hr/>
		423,623
		<hr/> <hr/>
(Signed) Howard R. ENNOR		(Signed) Sigvard EKLUND
Director, Division of Budget and Finance		Director General

AUDIT CERTIFICATE

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

(Signed) Volkmar HOPF
 (President of the Court of Accounts,
 Federal Republic of Germany)
 External Auditor

ANNEX 5

International Civil Aviation Organization: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		252,201	
<i>Less:</i>			
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		252,201	
			<hr/>
Balance, reallocated in 1965		—	
Earmarkings from contributions and other available funds in 1965		2,411,646	
			<hr/>
			2,411,646
Obligations incurred during 1965:			
Project Costs	1,756,384		
Administrative and operational services costs	267,845	2,024,229	
			<hr/>
Excess of earmarkings and other available funds over obligations incurred			387,417
<i>Less:</i>			
Unobligated balance of authorizations from the Working Capital and Reserve Fund			3,832
			<hr/>
Balance of earmarkings to be carried forward to 1966			383,585
<i>Add:</i>			
Other Income:			
Savings on liquidation of prior years' obligations	—		
Miscellaneous	3,975		
Exchange Adjustments (<i>net</i>)	(9,178)		
			<hr/>
			(5,203)
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		3,832	
			<hr/>
Total of credits to revert to the Special Account			(1,371)
			<hr/>
Balance as at 31 December 1965			382,214
			<hr/> <hr/>
Represented by:			
Cash at banks, on hand or in transit	333,057		
Undrawn earmarkings	469,644		
Accounts receivable, advances, deposits, etc.	47,132	849,833	
			<hr/>
<i>Less:</i>			
Unliquidated obligations, 1963/64	228,878		
Unliquidated obligations, 1965	206,333		
Accounts payable and other credit balances	32,408	467,619	
			<hr/>
			382,214
			<hr/> <hr/>

CERTIFIED CORRECT:
 (Signed) G. van GELDER
 Chief, Finance Branch

APPROVED:
 B. T. TWIGT
 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 1965, 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 1965

1. 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 1965 have been examined and this report is made in accordance with the Technical Assistance Board Finance Manual.

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 1965 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. 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 pleased to record my appreciation.

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

29 March 1966

ANNEX 6

International Labour Organisation: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		531,369
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		531,369
Balance, reallocated in 1965		—
Earmarkings from contributions and other available funds in 1965		5,630,769
		<u>5,630,769</u>
Obligations incurred during 1965:		
Project costs	4,515,962	
Administrative and operational services costs	633,890	5,149,852
		<u>5,149,852</u>
Excess of earmarkings and other available funds over obligations incurred		480,917
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		—
Balance of earmarkings to be carried forward to 1966		<u>480,917</u>
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	—	
Miscellaneous	25,152	
Exchange adjustments (<i>net</i>)	(20,044)	
		<u>5,108</u>
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		—
Total of credits to revert to the Special Account		<u>5,108</u>
Balance as at 31 December 1965		<u><u>486,025</u></u>
Represented by:		
Cash at banks, on hand or in transit	1,729,106	
Undrawn earmarkings	454,968	
Accounts receivable, advances, deposits, etc.	465,331	2,649,405
		<u>2,649,405</u>
<i>Less:</i>		
Unliquidated obligations, 1963/64	501,769	
Unliquidated obligations, 1965	450,943	
Accounts payable and other credit balances	1,210,668	2,163,380
		<u>2,163,380</u>
		<u><u>486,025</u></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 the audit, that in my opinion the above accounts are correct.

(Signed) Uno BRUNSKOG
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 1965

1. My examination of the accounts relating to the operations of the International Labour Organisation under the Expanded Programme of Technical Assistance for 1965 has been carried out in the same way as my audit of the accounts for the regular budget of the Organisation.

2. At the end of 1965 an amount of \$5,108 in miscellaneous receipts reverted to the Special Account of the Expanded Programme of Technical Assistance.

3. The amount shown under the heading "Accounts payable and other credit balances" includes a sum of \$1,002,361 representing the balances of trust fund accounts shown separately under part VI of the audited accounts. These trust funds have no organic connexion with the Expanded Programme of Technical Assistance, but for practical reasons these accounts are administered in common with those of the Expanded Programme of Technical Assistance.

4. The Property Survey Board, established by the Director-General to examine cases of losses or damage to assets, has recommended appropriate action to be taken in four different cases of such losses under the Expanded Programme. The total loss sustained by the Organisation amounts to \$2,300, part of which will probably be recovered from the insurance company. I am satisfied with the recommendations made by the Board.

5. As a result of my audit, I have no special observations to make.

6. I record my appreciation of the assistance of the officials of the Organisation.

(Signed) Uno BRUNSKOG
Auditor

Geneva, 11 March 1966

ANNEX 7

*International Telecommunication Union: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance as at 31 December 1964		175,187.43
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		175,187.43
Balance, reallocated in 1965		—
Earmarkings from contributions and other available funds in 1965		1,493,788.00
		<u>1,493,788.00</u>
Obligations incurred during 1965:		
Project costs	1,062,171.80	
Administrative and operational services costs	130,000.00	1,192,171.80
		<u>1,192,171.80</u>
Excess of earmarkings and other available funds over obligations incurred		301,616.20
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		4,428.15
Balance of earmarkings to be carried forward to 1966		<u>297,188.05</u>
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	69,552.66	
Miscellaneous	2,313.92	
Exchange adjustments (<i>net</i>)	(2,051.86)	
		<u>69,814.72</u>
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		4,428.15
		<u>74,242.87</u>
Total of credits to revert to the Special Account		74,242.87
Balance as at 31 December 1965		<u>371,430.92</u>
Represented by:		
Cash at banks, on hand or in transit	302,698.04	
Undrawn earmarkings	422,625.66	
Accounts receivable, advances, deposits, etc.	20,456.50	745,780.20
		<u>745,780.20</u>
<i>Less:</i>		
Unliquidated obligations, 1963/64	65,165.05	
Unliquidated obligations, 1965	235,503.67	
Accounts payable and other credit balances	73,680.56	374,349.28
		<u>374,349.28</u>
		<u>371,430.92</u>
CERTIFIED CORRECT:		APPROVED:
(Signed) R. C. CHATELAIN		(Signed) M. B. SARVATE
Chief of the Finance Division		Secretary-General

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. POCHON
 (Chief of Section, Federal Audit
 Department of the Swiss Confederation)
 External Auditor

REPORT ON THE STATUS, AS AT 31 DECEMBER 1965, OF FUNDS MADE AVAILABLE TO THE INTERNATIONAL TELECOMMUNICATION UNION AT GENEVA, UNDER THE UNITED NATIONS EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

1. The accounts of the International Telecommunication Union (ITU), Geneva, as executing agency for projects of the United Nations Expanded Programme of Technical Assistance, are kept in United States dollars. The statement of funds is also prepared in that currency.

2. We conducted a spot audit of operations during 1965 and of the statement of funds. Upon completing the audit, on 25 March 1966, we signed the prescribed certificate of audit of the "Statement of funds as at 31 December 1965".

3. Operations for the financial year 1965 can be summarized as follows:

	<i>United States dollars</i>
Earmarkings in 1965	1,493,788.00
<i>Less:</i>	
Obligations incurred in 1965	<u>1,192,171.80</u>

	<i>United States dollars</i>
Excess of earmarkings and other available funds over obligations incurred	301,616.20
<i>Add:</i>	
Miscellaneous income reverting to the Special Account	69,814.72
<i>Balance as at 31 December 1965 ...</i>	<u><u>371,430.92</u></u>

4. No comments are necessary concerning the statement of funds earmarked to the International Telecommunication Union at Geneva by the United Nations Expanded Programme of Technical Assistance.

(Signed) Ch. Pochon
(Chief of Section, Federal Audit
Department of the Swiss Confederation)
External Auditor

Berne, 30 March 1966

ANNEX 8

United Nations Educational, Scientific and Cultural Organization: status of funds as at 31 December 1965
(Expressed in United States dollars)

Balance as at 31 December 1964		900,373
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		529,591
Balance, reallocated in 1965		370,782
Earmarkings from contributions and other available funds in 1965		8,925,242
		<u>9,296,024</u>
Obligations incurred during 1965:		
Project costs	7,266,580	
Administrative and operational services costs	1,010,731	8,277,311
		<u>8,277,311</u>
Excess of earmarkings and other available funds over obligations incurred		1,018,713
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund	7,571	
Unobligated balance from reallocations received in 1965 to cover forward contractual commitments from the 1961/1962 Programme	108,935	116,506
		<u>116,506</u>
Balance of earmarkings to be carried forward to 1966		902,207
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	76,353	
Miscellaneous	6,867	
Exchange adjustments (<i>net</i>)	(6,194)	
		<u>77,026</u>
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund	7,571	
Surrender of unobligated balance from reallocations received in 1965 to cover forward contractual commitments from the 1961/1962 Programme	108,935	
		<u>116,506</u>
Total of credits to revert to the Special Account		193,532
Balance as at 31 December 1965		<u>1,095,739</u>
Represented by:		
Cash at banks, on hand or in transit	1,609,191	
Undrawn earmarkings	1,770,593	
Accounts receivable, advances, deposits etc.	816,369	4,196,153
		<u>4,196,153</u>
<i>Less:</i>		
Unliquidated obligations, 1963/1964	1,184,040	
Unliquidated obligations, 1965	1,322,918	
Accounts payable and other credit balances	593,456	3,100,414
		<u>3,100,414</u>
		<u>1,095,739</u>

CERTIFIED CORRECT:
(Signed) R. HARPER-SMITH
Comptroller

APPROVED:
(Signed) René MAHEU
Director-General

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 1965, 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 appended 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 THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION AS AT 31 DECEMBER 1965

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.

3. Of the balance of \$900,373 as at 31 December 1964, \$529,591 was surrendered to the Special Account. The remainder, \$370,782, was reallocated to the United Nations Educational, Scientific and Cultural Organization in 1965 by the Technical Assistance Board, under the provisions of article 14.1 of the Technical Assist-

ance Board Finance Manual, to cover contractual commitments remaining from the 1961-62 biennium. As shown on the Statement, the unobligated balance at 31 December 1965 of this reallocated amount was \$108,935 and this reverts to the Special Account, in accordance with the above-mentioned article.

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

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

24 June, 1966

ANNEX 9

Universal Postal Union: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		57,738.36
<i>Less:</i>		
Excess of earmarkings and other income over obligations incurred in 1964, reverted to the Special Account		57,738.36
Balance, re-allocated in 1965		—
Earmarkings from contributions and other available funds in 1965		438,834.00
		<u>438,834.00</u>
Obligations incurred during 1965:		
Project costs	293,991.99	
Administrative and operational services costs	60,000.00	353,991.99
		<u>353,991.99</u>
Excess of earmarkings and other available funds over obligations incurred		84,842.01
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		—
Balance of earmarkings to be carried forward to 1966		<u>84,842.01</u>
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	11,092.99	
Miscellaneous	—	
Exchange adjustments (<i>net</i>)	17.65	
		<u>11,110.64</u>
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		—
Total of credits to revert to the Special Account		<u>11,110.64</u>
Balance as at 31 December 1965		<u><u>95,952.65</u></u>
Represented by:		
Cash at banks, on hand or in transit	21,196.56	
Undrawn earmarkings	215,632.61	
Accounts receivable, advances, deposits, etc.	—	236,829.17
		<u>236,829.17</u>
<i>Less:</i>		
Unliquidated obligations, 1963/64	9,153.58	
Unliquidated obligations, 1965	128,296.42	
Accounts payable and other credit balances	3,426.52	140,876.52
		<u>140,876.52</u>
		<u><u>95,952.65</u></u>

(Signed) E. WEBER
Director General

AUDIT CERTIFICATE

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

(Signed) Ch. POCHON
(Chief of Section, Federal Audit Department
of the Swiss Confederation)
External Auditor

Berne, 13 April 1966

REPORT ON THE STATUS, AS AT 31 DECEMBER 1965, OF FUNDS MADE AVAILABLE TO THE UNIVERSAL POSTAL UNION IN BERNE UNDER THE UNITED NATIONS EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE

1. The accounts of the Universal Postal Union (UPU) in Berne, as executing agency for projects of the United Nations Expanded Programme of Technical Assistance, are kept in United States dollars. The statement of funds is also prepared in that currency.

2. We conducted a spot audit of operations during 1965 and of the statement of funds. Upon completing the audit, on 13 April 1966, we signed the prescribed certificate of audit of the "Statement of funds as at 31 December 1965".

3. Operations for the financial year 1965 can be summarized as follows:

	<i>In United States dollars</i>
Earmarkings in 1965	438,834.00
<i>Less:</i>	
Obligations incurred in 1965	<u>353,991.99</u>

	<i>In United States dollars</i>
Excess of earmarkings and other available funds over obligations incurred	84,842.01
<i>Add:</i>	
Miscellaneous income reverting to the Special Account	<u>11,110.64</u>
<i>Balance as at 31 December 1965</i>	<u><u>95,952.65</u></u>

4. No comments are necessary concerning the statement of funds earmarked to the Universal Postal Union at Berne by the United Nations Expanded Programme of Technical Assistance.

(Signed) Ch. POCHON
*(Chief of Section, Federal Audit Department
of the Swiss Confederation)*
External Auditor

Berne, 15 April 1966

ANNEX 10

World Health Organization: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		100,451
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		100,451
Balance reallocated in 1965		—
Earmarkings from contributions and other available funds in 1965		8,756,302
		<u>8,756,302</u>
Obligations incurred during 1965:		
Project costs	6,817,651	
Administrative and operational services costs	1,067,111	7,884,762
		<u>7,884,762</u>
Excess of earmarkings and other available funds over obligations incurred		871,540
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		—
		<u>—</u>
Balance of earmarkings to be carried forward to 1966		871,540
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	68,797	
Miscellaneous	26,313	
Exchange adjustments (<i>net</i>)	(39,660)	
		<u>55,450</u>
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		—
		<u>—</u>
Total of credits to revert to the Special Account		55,450
Balance as at 31 December 1965		<u>926,990</u>
Represented by:		
Cash at banks, on hand or in transit	765,995	
Undrawn earmarkings	2,550,608	
Accounts receivable, advances, deposits, etc.	109,883	3,426,486
		<u>3,426,486</u>
<i>Less:</i>		
Unliquidated obligations, 1964	1,260,719	
Unliquidated obligations, 1965	990,188	
Accounts payable and other credit balances	248,589	2,499,496
		<u>2,499,496</u>
		<u>926,990</u>

CERTIFIED CORRECT:
(Signed) Ted L. SMITH
 Chief, Finance

APPROVED:
(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 1965 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 1965

1. My examination of the accounts relating to the operations of the World Health Organization under the Expanded Programme of Technical Assistance for 1965 has been carried out in the same way as my audit of the accounts for the regular budget of the Organization.

2. 1965 constituted the first of a programme biennium. The total obligations amounted to \$7,884,762, resulting in a balance of earmarkings of \$871,540 to be carried forward to 1966. Other income amounting to \$55,450 will revert to the Special Account for the Expanded Programme of Technical Assistance.

3. The obligations for project costs during 1965 are shown in the following table:

	<i>In United States dollars</i>
Personal services	4,507,689
Supplies and materials	172,252

	<i>In United States dollars</i>
Property and equipment	141,969
Travel and transportation	1,048,177
Fellowships	947,564
	6,817,651

4. As a result of my audit I have no special observations to make.

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

(Signed) Uno BRUNSKOG
External Auditor

Geneva, 28 February 1966

ANNEX 11

World Meteorological Organization: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance as at 31 December 1964		14,831
<i>Less:</i>		
Excess of 1964 earmarkings and other income over obligations incurred surrendered to the Special Account		14,831
		<hr/>
Balance reallocated in 1965		—
Earmarkings from contributors and other available funds in 1965		1,418,138
		<hr/>
		1,418,138
Obligations incurred during 1955:		
Project costs	1,012,567	
Administrative and operational services costs	167,700	1,180,267
		<hr/>
Excess of earmarkings and other available funds over obligations incurred		237,871
<i>Less:</i>		
Unobligated balance of authorizations from the Working Capital and Reserve Fund		3,995
		<hr/>
Balance of earmarkings to be carried forward to 1966		233,876
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations	—	
Miscellaneous	400	
Exchange adjustments (<i>net</i>)	(3,585)	
		<hr/>
		(3,185)
Surrender of unobligated balance of authorizations from the Working Capital and Reserve Fund		3,995
		<hr/>
Total of credits to revert to the Special Account		810
		<hr/>
Balance as at 31 December 1955		234,686
		<hr/> <hr/>
Represented by:		
Cash at banks, on hand or in transit	146,961	
Undrawn earmarkings	477,597	
Accounts receivable, advances, deposits, etc.	21,759	646,317
		<hr/>
<i>Less:</i>		
Unliquidated obligations, 1964	67,842	
Unliquidated obligations, 1965	254,442	
Accounts payable and other credit balances	89,347	411,631
		<hr/>
		234,686
		<hr/> <hr/>

(Signed) D. A. DAVIES
Secretary-General

(Signed) E. H. COOK
Chief, Budget and Finance Section

AUDIT CERTIFICATE

The financial statement showing the status of earmarkings made to the World Meteorological Organization in connexion with the Expanded Programme of Technical Assistance for economic development of underdeveloped countries, for the period 1 January to 31 December 1965, 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 appended 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 THE
WORLD METEOROLOGICAL ORGANIZATION AS AT 31 DECEMBER 1965

GENERAL

1. The Status of Funds 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 World Meteorological Organization.

EQUIPMENT INVENTORIES

3. Instructions for the compilation and checking of inventories of equipment issued to EPTA projects under

the Organization's control had not been issued by 31 December 1965 and consequently inventory checks were not carried out during the year. I have been informed by the Organization, however, that these instructions have now been issued.

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

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

7 June 1966



Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:

(b) Allocations from the Special Fund

DOCUMENT A/6512

Audit reports for the year ended 31 December 1965 relating to expenditure by executing agencies of funds allocated from the Special Fund

[Original text: English/French]
 [11 November 1966]

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Letter of transmittal

1 November 1966

Sir,

I have the honour to transmit to you the consolidated status of funds of the Special Fund as at 31 December 1965 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 are the following annexes:

Annex 1. Combined statement showing the status of the executing agencies as at 31 December 1965.

Annex 2. Combined statement showing the status of funds from Governments' cash counterpart contributions to the executing agencies as at 31 December 1965.

Annex 3. Combined statement showing commitments against allocations issued to the executing agencies and under the Managing Director's preparatory authority as at 31 December 1965.

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) S. M. RAZA, S.Pk.,
Member, 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 1965 and the report of the Board of Auditors in accordance with article 25.3 of the 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 1965 have been approved:

International Atomic Energy Agency by its General Conference on 27 September 1966;

International Labour Organisation by its General Conference on 14 June 1966;

International Telecommunication Union by its Administrative Council in June 1966;

World Health Organization by the Nineteenth World Health Assembly on 11 May 1966;

World Meteorological Organization by its Executive Committee on 10 June 1966.

The audit reports of the following executing agencies for the year 1965 will be submitted to their legislative bodies for approval as follows:

Food and Agriculture Organization of the United Nations at its Conference in November 1967;

International Civil Aviation Organization at its Assembly in June 1968;

United Nations Educational, Scientific and Cultural Organization at its General Conference in November 1966.

The audit report of the International Bank for Reconstruction and Development requires no action by its Board of Governors.

4. The audit reports of the following executing agencies for the year 1964 have been approved:

Food and Agriculture Organization of the United Nations by its Conference on 6 December 1965;

United Nations Educational, Scientific and Cultural Organization by its Executive Board on behalf of its General Conference in November 1965.

5. The audit report of the Food and Agriculture Organization of the United Nations for the year 1963 was approved by its Conference on 6 December 1965.

6. 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 1965. 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 1965.¹

¹ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 6 (A/6306), statements V, VIII, IX and X.*

*Consolidated status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance as at 31 December 1964:			
Funds available for allocations			94,445,552
Funds available from cash counterpart contributions to executing agencies			894,670
			<u>95,340,222</u>
Contributions pledged by Governments for 1967 and 1968			22,000,000
Contributions pledged by Governments for 1966 and prior years, less exchange adjustments on collection			143,311,043
Governments' obligations for local costs in respect of projects, less exchange adjustments on collection			6,479,385
Governments' obligations to Special Fund for cash counterpart contributions in respect of projects, less exchange adjustments on collection			4,346,470
Government cash counterpart contributions to executing agencies ..			715,902
Donations			653
Miscellaneous income and exchange adjustments (<i>net</i>)			5,616,673
Refund of prior years' expenditures and savings in liquidating prior year's obligations of the Managing Director's administrative budget			29,125
			<u>277,839,473</u>
<i>Less:</i>			
Commitments incurred in 1965:			
Against the Managing Director's administrative budget	6,163,936		
Against current and prior years' allocations for projects	83,877,925		
Against executing agencies' cash counterpart contributions	1,007,681		
Preparatory costs absorbed for projects not approved by the Governing Council	53,753	91,103,295	
		<u>9,979,536</u>	101,082,831
Increase during 1965 of unencumbered allocations			<u>176,756,642</u>
Represented by:			
Cash at banks, on hand and in transit			26,156,702
Non-interest bearing and non-negotiable Government bonds redeemable on demand			57,939,824
Investments			129,096,486
Accrued interest on investments			2,014,080
Contributions pledged but not received at 31 December 1965			166,922,092
Governments' local costs receivable in respect of projects			13,102,664
Governments' cash counterpart contributions receivable in respect of projects			8,816,830
Accounts receivable, deferred charges and sundry debit balances			5,834,292
			<u>409,882,970</u>

Consolidated status of funds as at 31 December 1965 (continued)*(Expressed in United States dollars)**Less:*

Unliquidated obligations of the Managing Director's administrative budget		115,283	
Reserve for projects as at 31 December 1965:			
Unliquidated commitments	58,897,700		
Unencumbered allocations	168,191,834	227,089,534	
Funds in trust, accounts payable and sundry credit balances		5,921,511	233,126,328
			<u>176,756,642</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 1965 has been examined in accordance with my directions. I have obtained all 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) S. M. RAZA, S.Pk., Pakistan,
 Member

November 1966

Report of the Board of Auditors to the General Assembly on the consolidated status of funds of the Special Fund as at 31 December 1965

1. Pursuant to article 25.3 of the Financial Regulations of the Special Fund, as adopted by the Governing Council at its twelfth session, the Board of Auditors shall audit, certify and report on the annual accounts showing the consolidated financial position of the Special Fund.

2. The Secretary-General submitted to the Board the following documents as at 31 December 1965.

- (a) *Statement*. Consolidated status of funds;
- (b) *Annex 1*. Combined statement showing the status of funds of the executing agencies;
- (c) *Annex 2*. Combined statement showing the status of funds from Governments' cash counterpart contributions to the executing agencies;
- (d) *Annex 3*. Combined statement showing allocations and commitments of the executing agencies.

3. Some observations made during the audit as regards the presentation of the consolidated status have been taken into account for the statement as at year-end 1965. The commitments by the executing agencies for projects (\$83,877,925), are those incurred in 1965 against current and prior years' allocations for projects.

4. The consolidation of the annual accounts includes the data based on the following documents as at 31 December 1965;

- (a) Status of income and allocations of the Special Fund (statement V of the United Nations accounts for 1965);
- (b) Status of funds from allocations to the United Nations as executing agency of the Special Fund (statement VIII of the United Nations accounts for 1965);
- (c) Certified status of funds from allocations to the other executing agencies of the Special Fund;
- (d) Status of funds from Governments' cash counterpart contributions to the United Nations as executing agency of the Special Fund (statement IX of the United Nations accounts for 1965);
- (e) Certified status of funds from Governments' cash counterpart contributions to the other executing agencies of the Special Fund;
- (f) Status of funds of the Administrative Budget of the Managing Director (statement X of the United Nations accounts for 1965).

Report of the Board of Auditors to the General Assembly on the consolidated status of funds of the Special Fund as at 31 December 1965 (continued)

5. The balance as at 31 December 1965 viz \$176,756,642 consists of \$176,153,751 available for allocation by the Managing Director and \$602,891 unspent balance of Governments' cash counterpart contributions.
6. The following gives a summary of the turnover of the consolidated funds for the years 1964 and 1965.

	1964		1965	
	<i>Expressed in United States dollars</i>			
Available at 1 January		102,016,778		95,340,222
Income		67,724,021		182,499,251
		<u>169,740,799</u>		<u>277,839,473</u>
Commitments incurred	61,847,157		91,103,295	
Increase in reserve for unencumbered allocations	12,553,420	74,400,577	9,979,536	101,082,831
Balance available as at 31 December ..		<u>95,340,222</u>		<u>176,756,642</u>

7. For observations by the External Auditors on the status of funds of various executing agencies, reference is invited to their certificates and audit reports.

8. The audit of the consolidation as such did not give rise to comments. Consequently, the consolidated status of funds of the Special Fund as at 31 December 1965 has been certified without observations.

On behalf of the Board of Auditors,
 (Signed) S. M. RAZA, S.Pk., *Pakistan,*
Member

2 November 1966

	At			
	<i>Combined statement showing the status of fund</i>			
	<i>(Expressed in millions of dollars)</i>			
	<i>FAO</i>	<i>IAEA</i>	<i>IBRD</i>	<i>ICAC</i>
Balance of allocations and other available funds as at 31 December 1964	55,048,075	599,337	1,802,372	6,073,4
Miscellaneous income and exchange adjustments (<i>net</i>) surrendered to the central fund	4,090	—	(25)	
Funds allocated during 1965	34,409,292	883,200	3,688,565	(44,8
	<u>89,461,457</u>	<u>1,482,537</u>	<u>5,490,912</u>	<u>6,028,6</u>
<i>Deduct:</i>				
Commitments during 1965				
Liquidated by disbursements	24,752,874 ^b	427,356	2,013,653	1,816,4
Unliquidated at 31 December 1965	24,984,851 ^b	197,430	4,288,300	947,6
	<u>49,737,725</u>	<u>624,786</u>	<u>6,301,953</u>	<u>2,764,1</u>
<i>Less:</i>				
Unliquidated at 31 December 1964	17,183,793	128,482	2,357,175	1,206,3
	<u>32,553,932</u>	<u>496,304</u>	<u>3,944,778</u>	<u>1,557,7</u>
Unencumbered balance of allocations at 31 December 1965	56,907,525	986,233	1,546,134	4,470,8
<i>Add:</i>				
Miscellaneous income and exchange adjustments (<i>net</i>)	(8,815)	—	14	3,2
Balance of allocations and other available funds as at 31 December 1965	<u>56,898,710</u>	<u>986,233</u>	<u>1,546,148</u>	<u>4,474,0</u>
<i>Represented by:</i>				
Cash at banks, on hand and in transit	1,732,928	33,342	1,201,491	167,3
Undrawn allocations	77,251,944	1,144,781	4,533,406	5,358,6
Accounts receivable and sundry debit balances	2,998,475	7,286	105,616	93,2
	<u>81,983,347</u>	<u>1,185,409</u>	<u>5,840,513</u>	<u>5,619,2</u>
<i>Less:</i>				
Unliquidated commitments as at 31 December 1965	24,984,851	197,430	4,288,300	947,6
Accounts payable and sundry credit balances	99,786	1,746	6,065	197,4
	<u>25,084,637</u>	<u>199,176</u>	<u>4,294,365</u>	<u>1,145,1</u>
	<u>56,898,710</u>	<u>986,233</u>	<u>1,546,148</u>	<u>4,474,0</u>

^a Effective 1 January 1965, WMO assumed administrative responsibility for six projects previously administered on behalf by the United Nations. Unencumbered allocations of \$721 and unliquidated commitments of \$110,058, reported at 31 December 1964 under the United Nations, have been transferred to, and reported under, WMO in 1965. The United Nations administers two projects on behalf of WMO. For this purpose, allocations totalling \$1,266,800 have been transferred from W to the United Nations.

*executing agencies as at 31 December 1965**(in United States dollars)*

<i>ILO</i>	<i>ITU</i>	<i>UNESCO</i>	<i>United Nations^a</i>	<i>WHO</i>	<i>WMO^a</i>	<i>Total</i>
13,091,727	4,931,488	34,514,868	32,656,800 ^a	557,150	1,118,555 ^a	150,393,772
1,544	356	4,151	(6,525)	—	(1)	3,646
9,308,354	4,362,875	8,074,661	19,534,118	1,762,050	1,146,020	83,124,281
<u>22,401,625</u>	<u>9,294,719</u>	<u>42,593,680</u>	<u>52,184,393</u>	<u>2,319,200</u>	<u>2,264,574</u>	<u>233,521,699</u>
6,536,085	2,234,729	11,637,290	15,518,597	841,853	567,651	66,346,569
5,872,506	1,911,225	10,396,575	8,792,012	1,070,902	436,223	58,897,700
<u>12,408,591</u>	<u>4,145,954</u>	<u>22,033,865</u>	<u>24,310,609</u>	<u>1,912,755</u>	<u>1,003,874</u>	<u>125,244,269</u>
4,261,318	1,409,622	8,064,895	6,003,622 ^a	639,313	111,729 ^a	41,366,344
8,147,273	2,736,332	13,968,970	18,306,987	1,273,442	892,145	83,877,925
<u>14,254,352</u>	<u>6,558,387</u>	<u>28,624,710</u>	<u>33,877,406</u>	<u>1,045,758</u>	<u>1,372,429</u>	<u>149,643,774</u>
(7,796)	2,961	290	17,144	—	121	7,175
<u>14,246,556</u>	<u>6,561,348</u>	<u>28,625,000</u>	<u>33,894,550</u>	<u>1,045,758</u>	<u>1,372,550</u>	<u>149,650,949</u>
1,343,569	385,722	1,102,721	—	—	82,775	6,049,913
18,719,225	8,141,540	38,560,763	44,771,035	2,147,206	1,770,471	202,399,009
131,078	23,319	183,096	23,205	61,783	18,291	3,645,364
<u>20,193,872</u>	<u>8,550,581</u>	<u>39,846,580</u>	<u>44,794,240</u>	<u>2,208,989</u>	<u>1,871,537</u>	<u>212,094,286</u>
5,872,506	1,911,225	10,396,575	8,792,012	1,070,902	436,223	58,897,700
74,810	78,008	825,005	2,107,678	92,329	62,764	3,545,637
<u>5,947,316</u>	<u>1,989,233</u>	<u>11,221,580</u>	<u>10,899,690</u>	<u>1,163,231</u>	<u>498,987</u>	<u>62,443,337</u>
<u>14,246,556</u>	<u>6,561,348</u>	<u>28,625,000</u>	<u>33,894,550</u>	<u>1,045,758</u>	<u>1,372,550</u>	<u>149,650,949</u>

^a Adjusted in accordance with paragraph 3 of the FAO auditor's report supporting annex 4.

ANNEX 2

Combined statement showing the status of funds from Governments' cash counterpart contributions to the executing agencies as at 31 December 1965

(Expressed in United States dollars)

	FAO	ICAO	UNESCO	United Nations	WHO	Total
Balance of available funds as at 31 December 1964	486,279	142,889	101,956	163,546	—	894,670
Cash counterpart contributions received during 1965	387,235	14,500	—	165,698	148,469	715,902
	<u>873,514</u>	<u>157,389</u>	<u>101,956</u>	<u>329,244</u>	<u>148,469</u>	<u>1,610,572</u>
<i>Less:</i>						
Expenditures	515,839	70,970	19,847	352,449	50,309	1,009,414
Exchange adjustments and miscellaneous income (<i>net</i>)	1,282	(3,015)	—	—	—	(1,733)
	<u>517,121</u>	<u>67,955</u>	<u>19,847</u>	<u>352,449</u>	<u>50,309</u>	<u>1,007,681</u>
Balance of available funds as at 31 December 1965	<u>356,393</u>	<u>89,434</u>	<u>82,109</u>	<u>(23,205)</u>	<u>98,160</u>	<u>602,891</u>
Represented by:						
Cash at banks, on hand and in transit	—	92,433	—	—	—	92,433
Accounts receivable and sundry debit balances	356,393	—	82,109	—	98,160	536,662
	<u>356,393</u>	<u>92,433</u>	<u>82,109</u>	<u>—</u>	<u>98,160</u>	<u>629,095</u>
<i>Less:</i>						
Accounts payable and sundry credit balances	—	2,999	—	23,205	—	26,204
	<u>356,393</u>	<u>89,434</u>	<u>82,109</u>	<u>(23,205)</u>	<u>98,160</u>	<u>602,891</u>

ANNEX 3 APPEARS OVERLEAF

**Combined statement showing commitments against allocations
and under the Managing Director's preparatory assistance**
(Expressed in thousands of dollars)

Executing agency	Funds allocated						
	Allocations for approved projects			Preparatory assistance			
	Prior years	Current year	Total	Prior years	Current year	Total	Total allocated
FAO	114,244,462	34,329,882	148,574,344	113,290	79,410	192,700	148,767
IAEA	1,088,100	883,200	1,971,300	—	—	—	1,971
IBRD	11,308,770	3,688,565	14,997,335 ^a	—	—	—	14,997
ICAO	11,817,116	(44,854)	11,772,262	—	—	—	11,772
ILO	35,131,800	9,323,854	44,455,654	48,500	(15,500)	33,000	44,488
ITU	8,277,565	4,362,875	12,640,440	—	—	—	12,640
UNESCO	6,462,648	8,057,011	74,519,659	14,850	17,650	32,500	74,552
United Nations	65,408,896 ^b	19,588,868	84,997,764 ^c	84,200	(54,750)	29,450	85,022
WHO	2,178,850	1,758,050	3,936,900	—	4,000	4,000	3,940
WMO	2,901,510 ^b	1,135,720	4,037,230 ^c	—	10,300	10,300	4,047
	<u>318,819,717</u>	<u>83,083,171</u>	<u>401,902,888</u>	<u>260,840</u>	<u>41,110</u>	<u>301,950</u>	<u>402,200</u>
Allocations not issued pending authorization to commence operations:							
At 31 December 1964	7,428,430	(7,428,430)	—	—	—	—	17,900
At 31 December 1965	—	17,909,310	17,909,310	—	—	—	—
	<u>326,248,147</u>	<u>93,564,051</u>	<u>419,812,198</u>	<u>260,840</u>	<u>41,110</u>	<u>301,950</u>	<u>420,110</u>
Allocations issued to the Managing Director in respect of preparatory assistance	—	—	—	386,450	252,300	638,750	638,750
	<u>326,248,147</u>	<u>93,564,051</u>	<u>419,812,198</u>	<u>647,290</u>	<u>293,410</u>	<u>940,700</u>	<u>420,750</u>

^a Excludes an allocation of \$287,500 in respect of a completed project.

^b Effective 1 January 1965, WMO assumed administrative responsibility for six projects previously administered on its behalf by the United Nations. The allocations and related commitments, heretofore reported under United Nations, have been retransferred to reported under WMO.

ed to the executing agencies for approved projects
ority as at 31 December 1965

(in United States dollars)

			Commitments incurred			Total commitments	Unencumbered balance of allocations
Liquidated by disbursement			Unliquidated				
Prior years	Current year	Total	31 December 1964	Increase during 1965	31 December 1965		
1,121,794	24,752,874	66,874,668	17,183,793	7,801,058	24,984,851	91,859,519	56,907,525
360,281	427,356	787,637	128,482	68,948	197,430	985,067	986,233
1,149,248	2,013,653	9,162,901	2,357,175	1,931,125	4,288,300	13,451,201	1,546,134
5,537,265	1,816,481	6,353,746	1,206,395	(258,719)	947,676	7,301,422	4,470,840
1,825,711	6,536,085	24,361,796	4,261,318	1,611,188	5,872,506	30,234,302	14,254,352
1,936,099	2,234,729	4,170,828	1,409,622	501,603	1,911,225	6,082,053	6,558,387
1,893,584	11,637,290	35,530,874	8,064,895	2,331,680	10,396,575	45,927,449	28,624,710
1,839,199 ^b	15,518,597	42,357,796	6,003,622 ^b	2,788,390	8,792,012	51,149,808	33,877,406
982,387	841,853	1,824,240	639,313	431,589	1,070,902	2,895,142	1,045,758
1,671,227 ^b	567,651	2,238,878	111,729 ^b	324,494	436,223	2,675,101	1,372,429
1,316,795	66,346,569	193,663,364	41,366,344	17,531,356	58,897,700	252,561,064	149,643,774
—	—	—	—	—	—	—	17,909,310
1,316,795	66,346,569	193,663,364	41,366,344	17,531,356	58,897,700	252,561,064	167,553,084
—	—	—	—	—	—	—	638,750
1,316,795	66,346,569	193,663,364	41,366,344	17,531,356	58,897,700	252,561,064	168,191,834

The United Nations still administers two projects on behalf of WMO. For this purpose, allocations totalling \$1,266,800 have been transferred from WMO to the United Nations.

ANNEX 4 (a)

*Food and Agriculture Organisation of the United Nations: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964		55,048,075
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		(4,090)
		<u>55,052,165</u>
<i>Add:</i>		
Funds allocated during 1965—completed projects	(4,888)	
—operational projects	34,414,180	34,409,292
		<u>89,461,457</u>
<i>Deduct:</i>		
Funds committed during 1965—completed projects	12,388	
—operational projects	32,541,544	32,553,932
		<u>56,907,525</u>
Unencumbered balance of allocations at 31 December 1965—completed projects	10	
—operational projects	56,907,515	56,907,525
		<u>56,898,710</u>
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		(8,815)
		<u>56,898,710</u>
Represented by:		
Cash at banks, on hand and in transit	1,732,928	
Undrawn allocations	77,251,944	
Accounts receivable and sundry debit balances	2,998,475	81,983,347
		<u>81,983,347</u>
<i>Less:</i>		
Unliquidated commitments	20,589,992	
Accounts payable and sundry credit balances	4,494,645	25,084,637
		<u>25,084,637</u>
		<u>56,898,710</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, subject to the observations in my Report.

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

ANNEX 4 (b)

Food and Agriculture Organization of the United Nations: status of funds from Governments' counterpart contributions in cash as at 31 December 1965*(Expressed in United States dollars)*

Balance of available funds at 31 December 1964		486,279
<i>Add:</i>		
Income:		
Contributions received during 1965	387,235	
Exchange adjustments on contributions collected	(1,282)	385,953
		<u>872,232</u>
<i>Deduct:</i>		
Cash disbursements during 1965	514,435	
1964 Expenditure not charged in that year	1,404	515,839
		<u>356,393</u>
Balance of available funds at 31 December 1965		<u><u>356,393</u></u>
<i>Represented by:</i>		
Accounts receivable and sundry debit balances		<u><u>356,393</u></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.

(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 1965:

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

GENERAL

1. The accounts relating to the participation of the Food and Agriculture Organization (FAO) in field projects of the United Nations Special Fund during the year ended 31 December 1965 are in the revised form prescribed by the United Nations Development Programme, subject to certain minor modifications notified to the secretariat of the Programme to which no objections were raised.

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.

ALLOCATION FOR EXECUTING AGENCY'S OVERHEAD COSTS
(Statement I and schedules B and B.I)

3. As indicated in the footnote to schedule B, the Organization has recorded the full allocations for agency costs as expended on projects. The effect of instructions issued on 23 February 1966 by the United Nations Development Programme (UNDP) is, however, that only the allotments issued in 1965 should be so recorded.

I am informed that the members of the UNDP secretariat are aware of the position and have themselves made the adjustments necessary to enable them to consolidate the figures of the Food and Agriculture Organization with those of other agencies.

EXPENDITURE ON CANCELLED PROJECTS (SCHEDULE A)

4. As noted on schedule A, three of the projects listed (namely nos. 3 BOL 017, 6 BUR 194 and 9 BUR 431) were terminated before becoming operational. Column 9 of the schedule shows that expenditures totalling \$33,687 were incurred from Special Fund resources on these three projects.

LOCAL COSTS MET FROM SPECIAL FUND RESOURCES

5. Paragraph 52 of General Assembly Resolution 1240 (XIII), the Special Fund Financial Regulations, and the agreements between the United Nations Special Fund and recipient Governments envisage that the local costs involved in the execution of Special Fund projects should be borne by local governments and that, in normal circumstances, the resources of the Expanded Programme should be used only to provide items and

services not available locally. In a few instances in recent years the Food and Agriculture Organization has sought and obtained the approval of the Special Fund secretariat for departures from the requirements of the General Assembly resolution as exceptions to the general rule. The secretariat has, however, upheld the general principle that local project costs, including, for example, the cost of local labour and supplies incurred by subcontractors, are the responsibility of the recipient Government to be met from the counterpart contribution. It is left to the executing agency to see that, as far as possible and in agreement with the recipient Government, this principle is observed in carrying out individual projects.

6. The Organization has informed me that the Administrator of the United Nations Development Programme now proposes to seek the approval of the UNDP Governing Council to an amendment to the Special Fund Financial Regulations which would permit exceptions to the general principle in abnormal circumstances.

INSURANCE OF VEHICLES

7. Under the terms of the standard basic agreement between the Special Fund and recipient Governments, the Government has the primary responsibility for protecting the Special Fund and its executing agencies against third party claims except in cases of gross or wilful negligence. It has, however, been the policy of the Special Fund that supplementary coverage against residual third party liability should be obtained by executing agencies on a commercial insurance basis, chargeable to the Special Fund allocation. FAO have therefore, in the past, arranged commercial insurance of Special Fund vehicles in accordance with this policy.

8. A review of FAO's insurance experience on all programmes during the five years 1961-1965 showed that insurance premiums paid amounted to \$122,521 against which claims had been \$902. Since about three-quarters of the vehicles for which FAO arranges insurance are engaged on Special Fund work, a substantial part of the premiums would have been charged to the Special Fund. The Fifteenth Session of the FAO Finance Committee, held in May/June 1966, was informed that the insurance premium rate was substantially reduced in 1965 from \$42.60 to \$21 per vehicle. Further improvement was achieved by the concession of the underwriters of a rebate on renewal premiums depending on the claims record. FAO has assured me that the current rate is reasonable on the commercial market. Nevertheless, the possibility of a self-insurance plan has been discussed with the Finance Committee, which advised the Director-General to continue the policy of commercial insurance for the time being and decided to review this matter again in 1967.

Ex gratia PAYMENTS, LOSSES AND WRITE-OFFS

9. I have examined the *ex gratia* payments, losses and write-offs totalling \$7,865 which are listed in the financial report of the Director-General. I have no comments to make on them.

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

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

30 June 1966

ANNEX 5

International Atomic Energy Agency: status of funds as at 31 December 1965
(Expressed in United States dollars)

Balance of allocations and other available funds at 31 December 1964		599,337
<i>Add:</i>		
Funds allocated during 1965		883,200
Total funds available for commitments		1,482,537
<i>Deduct:</i>		
Funds committed during 1965		496,304
Unencumbered balance of allocations and other income at 31 December 1965		986,233
 <i>Represented by:</i>		
Cash at banks, on hand and in transit	33,342	
Undrawn allocations	1,144,781	
Accounts receivable and sundry debit balances	7,286	1,185,409
 <i>Less:</i>		
Unliquidated commitments	197,430	
Accounts payable and sundry credit balances	1,746	199,176
		986,233

CERTIFIED CORRECT:
(Signed) Howard R. ENNOR
Director, Division of Budget and Finance

APPROVED:
(Signed) Upendra GOSWAMI
Acting Director General

AUDIT CERTIFICATE

The financial statement showing the status of allocations made to the IAEA in connexion with the United Nations Special Fund for the period from 1 January to 31 December 1965 has been examined in accordance with the directions of the undersigned. All the information and explanations have been obtained and this is to certify that, as a result of audit, in the opinion of the undersigned, the above statement is correct.

(Signed) Volkmar HOFF
(President of the Court of Accounts,
Federal Republic of Germany)
External Auditor

ANNEX 6

International Bank for Reconstruction and Development: status of funds as at 31 December 1965
(Expressed in United States dollars)

Balance of allocations and other available funds at 31 December 1964		1,802,372
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		25
		<u>1,802,347</u>
<i>Add:</i>		
Funds allocated during 1965		3,688,565
Total funds available for commitments		<u>5,490,912</u>
<i>Deduct:</i>		
Funds committed during 1965		3,944,778
Unencumbered balance of allocations at 31 December 1965		<u>1,546,134</u>
<i>Add:</i>		
Other income:		
Interest on Swiss franc bank deposit		14
Unencumbered balance of allocations and other income at 31 December 1965		<u><u>1,546,148</u></u>
<i>Represented by:</i>		
Cash at banks, on hand and in transit	1,201,491	
Undrawn allocations	4,533,406	
Accounts receivable and sundry debit balances	105,616	5,840,513
		<u>5,840,513</u>
<i>Less:</i>		
Unliquidated commitments	4,288,300	
Accounts payable and sundry credit balances	6,065	4,294,365
		<u><u>1,546,148</u></u>

APPROVED:
 (Signed) FRANCIS R. POORE
 Deputy Treasurer

AUDIT CERTIFICATE

The above statement showing the status of funds held by International Bank for Reconstruction and Development as executing agency of United Nations Development Programme projects (formerly, United Nations Special Fund projects) as at 31 December 1965 has been examined in accordance with the directions of the undersigned. All of the information and explanations required have been obtained, and this is to certify that, as a result of the audit, subject to the observations in the report, in the opinion of the undersigned the above statement is correct.

April 15, 1966

(Signed) PRICE WATERHOUSE & CO.
 by G. Dewey ARNOLD, Jr., a partner

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AS EXECUTING AGENCY FOR CERTAIN UNITED NATIONS DEVELOPMENT PROGRAMME PROJECTS (FORMERLY, 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 1965

1. The accounts and records of the International Bank for Reconstruction and Development as executing agency for the United Nations Development Programme are maintained, and the financial statement is presented, in terms of United States dollars.

As executing agency for the Development Programme the Bank translates currencies other than United States dollars into United States dollars at the exchange rates used by the Development Programme when making remittances to the Bank.

2. The statement of the status of funds has been prepared in accordance with the format prescribed by the United Nations Development Programme. The following table summarizes briefly additional information relating to commitments liquidated or unliquidated.

	<i>Expressed in United States dollars</i>	
Unliquidated commitments at January 1, 1965		2,357,175
Commitments made during 1965	3,999,778	
<i>Less:</i>		
Adjustment of amounts reported as commitments in prior years resulting from changes in estimates of amounts required to complete projects	55,000	3,944,778
		6,301,953
Commitments liquidated by disbursements in 1965		2,013,953
Unliquidated commitments at December 31, 1965 relating to:		
Commitments existing at January 1, 1965	746,527	
Commitments made during 1965	3,541,773	4,288,300

The Bank reports as unliquidated commitments only those amounts for which, as executing agency for the Development Programme, it has entered into contracts for receipt of goods or services or for which the Government receiving assistance from the Development Programme has entered into such contracts. The amounts reported for such commitments, in many instances, are estimates of amounts expected to be billed by consulting firms based on *per diem* rates specified in contracts. Also the Bank reports as unencumbered balance of allocations amounts for which no such commitments have been made.

(Signed) PRICE WATERHOUSE & Co.
by G. Dewey ARNOLD, Jr., a partner

April 15, 1966

ANNEX 7 (a)

*International Civil Aviation Organization: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964		6,073,400
<i>Deduct:</i>		
Surrendered to the fund:		
Prior year's other income		(56)
		<u>6,073,456</u>
<i>Add:</i>		
Funds allocated during 1965		(44,854)
Total funds available for commitments		<u>6,028,602</u>
<i>Deduct:</i>		
Funds committed during 1965		1,557,762
Unencumbered balance of allocations at 31 December 1965		<u>4,470,840</u>
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		3,256
Unencumbered balance of allocations and other income at 31 December 1965		<u>4,474,096</u>
Represented by:		
Cash at bank, on hand and in transit	167,365	
Undrawn allocations	5,358,638	
Accounts receivable and sundry debit balances	<u>93,215</u>	5,619,218
<i>Less:</i>		
Unliquidated commitments	947,676	
Accounts payable and sundry credit balances	<u>197,446</u>	1,145,122
		<u>4,474,096</u>
CERTIFIED CORRECT:		APPROVED:
(Signed) G. van GELDER		(Signed) B. T. TWIGT
Chief, Finance Branch:		Secretary-General

AUDIT CERTIFICATE

The above statement showing the status of funds from allocations made to the International Civil Aviation Organization in connexion with the United Nations Special Fund Projects for the year ended 31 December 1965, 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

ANNEX 7 (b)

International Civil Aviation Organisation: status of funds from Governments' counterpart contributions in cash as at 31 December 1965*(Expressed in United States dollars)*

Balance of available funds at 31 December 1964		142,889
<i>Add:</i>		
Income:		
Contributions received during 1965	14,500	
Miscellaneous income	3,015	17,515
		<u>160,404</u>
<i>Deduct:</i>		
Cash disbursements during 1965		70,970
Balance of available funds at 31 December 1965		<u>89,434</u>
Represented by:		
Cash at banks, on hand and in transit		92,433
<i>Less:</i>		
Accounts payable and sundry credit balances		2,999
		<u>89,434</u>

CERTIFIED CORRECT:

(Signed) G. van GELDER
Chief, Finance Branch

APPROVED:

(Signed) B. T. TWIGT
Secretary-General

AUDIT CERTIFICATE

The above statement showing the status of funds from Governments' cash counterpart contributions to the International Civil Aviation Organization in connexion with the United Nations Special Fund Projects for the year ended 31 December 1965, has been examined. All the information and explanations required have been obtained and I certify that, in my opinion, the above statement is 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 1965

1. 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 1965 have been examined and this report is made in accordance with the Financial Regulations of the Special Fund.

2. Statements I and II submitted by the Secretary-General showing the status of funds as at 31 December 1965, prepared in the forms required by the Managing Director of the Special Fund, have been examined and have been certified as being in accordance with the accounts maintained by the Organization and being, in my opinion, correct.

3. 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 pleased to record my appreciation.

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

29 March 1966

ANNEX 8

*International Labour Organisation: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964		13,091,727
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		(1,544)
		<u>13,093,271</u>
<i>Add:</i>		
Funds allocated during 1965		9,308,354
Total funds available for commitments		<u>22,401,625</u>
<i>Deduct:</i>		
Funds committed during 1965		8,147,273
Unencumbered balance of allocations at 31 December 1965		<u>14,254,352</u>
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		(7,796)
Unencumbered balance of allocations and other income at 31 December 1965		<u><u>14,246,556</u></u>
<i>Represented by:</i>		
Cash at banks, on hand and in transit	1,343,569	
Undrawn allocations	18,719,225	
Accounts receivable and sundry debit balances	131,078	20,193,872
		<u>20,193,872</u>
<i>Less:</i>		
Unliquidated commitments	5,872,506	
Accounts payable and sundry credit balances	74,810	5,947,316
		<u><u>5,947,316</u></u>
		<u><u>14,246,556</u></u>

CERTIFIED CORRECT:

(Signed) P. M. C. DENBY
Chief of the Budget and Control Branch

APPROVED:

(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
Auditor

REPORT ON THE AUDIT RELATING TO THE OPERATIONS OF THE INTERNATIONAL LABOUR ORGANISATION UNDER THE UNITED NATIONS SPECIAL FUND

1. My examination of the accounts relating to the operations of the International Labour Organisation under the United Nations Special Fund for 1965 has been carried out in the same way as my audit of the accounts for the regular budget of the Organisation.

2. As at 31 December 1965 the status of the programme was as follows:

(i) Projects approved	56
(ii) Plans of operation signed	52
(iii) Authorizations to commence operations ...	51

3. Funds allocated for the projects mentioned in paragraph 2, including balances of earmarkings carried over from prior years, amounted to \$44,488,654. Of this total \$30,241,503 were obligated and of that amount \$5,879,706 were unliquidated obligations relating to commitments representing balances to be settled up to the end of contracts.

4. The Property Survey Board, established to examine cases of losses or damage during 1965, has

recommended appropriate action to be taken in two different cases of such losses. In one case the Board noted that it was not necessary to replace the lost equipment; I am satisfied with the recommendations of the Board. As to the loss of a millivoltmeter valued at \$58 it may be mentioned that the ILO Field Office had reported that the consignment had been received complete and in good order already in 1962, whereas it subsequently came to light that one case out of six had not been received at that time and that the time for claiming for the loss against the insurance company had expired.

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

(Signed) Uno BRUNSKOG
Auditor

Geneva, 11 March 1966

ANNEX 9

*International Telecommunication Union: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964		4,931,487.74
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		(356.08)
		<u>4,931,843.82</u>
<i>Add:</i>		
Funds allocated during 1965		4,362,875.00
Total funds available for commitments		<u>9,294,718.82</u>
<i>Deduct:</i>		
Funds committed during 1965		2,736,332.23
Unencumbered balance of allocations at 31 December 1965		<u>6,558,386.59</u>
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		2,961.79
Unencumbered balance of allocations and other income at 31 December 1965		<u><u>6,561,348.38</u></u>
<i>Represented by:</i>		
Cash at banks, on hand and in transit	385,722.20	
Undrawn allocations	8,141,539.52	
Accounts receivable and sundry debit balances	23,319.27	8,550,580.99
		<u>8,550,580.99</u>
<i>Less:</i>		
Unliquidated commitments	1,911,225.27	
Accounts payable and sundry credit balances	78,007.34	1,989,232.61
		<u><u>6,561,348.38</u></u>

CERTIFIED CORRECT:
 (Signed) R. C. CHATELAIN
Chief of the Finance Division

APPROVED:
 (Signed) M. B. SARWATE
Secretary-General

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. POCHON
*Chief of Section, Federal Audit
 Department of the Swiss
 Confederation
 External Auditor*

REPORT ON THE STATEMENT, AS AT 31 DECEMBER 1965, OF FUNDS ALLOCATED TO THE INTERNATIONAL TELECOMMUNICATION UNION AT GENEVA BY THE UNITED NATIONS SPECIAL FUND

1. The International Telecommunication Union (ITU) at Geneva, as an executing agency of United Nations Special Fund projects, keeps its accounts in United States dollars, and the statement of funds is also prepared in that currency.

2. We conducted a spot audit of operations during 1965 and of the statement of funds, following which, on 25 March 1966, we signed the prescribed certificate of audit of the Statement of funds as at 31 December 1965.

3. A summary of the audited operations follows:

	<i>United States dollars</i>
Balance of allocations and other available funds at the end of the preceding financial year	4,931,487.74
<i>Add:</i>	
Allocations during current year	4,362,875.00
	SUB-TOTAL
	9,294,362.74
<i>Deduct:</i>	
Expenditures, including miscellaneous operations and exchange adjustments	2,733,014.36
Balance of allocations at end of the financial year	6,561,348.38

4. No comments are necessary concerning the statement of funds allocated to the International Telecommunication Union at Geneva by the United Nations Special Fund.

(Signed) Ch. POCHON
 Chief of Section, Federal Audit Department
 of the Swiss Confederation
 External Auditor

Berne, 30 March 1966

ANNEX 10 (a)

**United Nations Educational, Scientific and Cultural Organization: status of funds as at
31 December 1965**

(Expressed in United States dollars)

Balance of allocations and other available funds at 31 December 1964		34,514,868
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		(4,151)
		<u>34,519,019</u>
<i>Add:</i>		
Funds allocated during 1965		8,074,661
		<u>42,593,680</u>
<i>Deduct:</i>		
Funds committed during 1965		13,968,970
Unencumbered balance of allocations at 31 December 1965		<u>28,624,710</u>
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		290
Unencumbered balance of allocations and other income at 31 December 1965		<u>28,625,000</u>
Represented by:		
Cash at banks, on hand and in transit	1,102,721	
Undrawn allocations	38,560,763	
Accounts receivable and sundry debit balances	183,096	39,846,580
		<u>39,846,580</u>
<i>Less:</i>		
Unliquidated commitments	10,396,575	
Accounts payable and sundry credit balances	825,005	11,221,580
		<u>11,221,580</u>
		<u>28,625,000</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.

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

ANNEX 10 (b)

United Nations Educational, Scientific and Cultural Organization: status of funds from Governments' counterpart contributions in cash as at 31 December 1965*(Expressed in United States dollars)*

Balance of available funds at 31 December 1964	101,956
<i>Deduct:</i>	
Cash disbursements during 1965	19,847
Balance of available funds at 31 December 1965	<u>82,109</u>
Represented by:	
Accounts receivable and sundry debit balances	<u>82,109</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.

(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 1965:

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

1. The statements and the related schedules are in the revised form prescribed by the United Nations Development Programme (Special Fund).

2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the Organization, and the reports of the Internal Auditor have been made available to me. I have no observations to make upon the statements.

3. I have examined the circumstances in which the *ex gratia* payment of \$1,000, mentioned in paragraph 12 of the financial report of the Director-General, was made and I have no comments to make upon it.

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

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

24 June 1966

ANNEX 11 (a)

*World Health Organization: status of funds as at 31 December 1965**(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964		557,150
<i>Add:</i>		
Funds allocated during 1965		1,762,050
Total funds available for commitments		<u>2,319,200</u>
<i>Deduct:</i>		
Funds committed during 1965		1,273,442
Unencumbered balance of allocations and other income at 31 December 1965		<u>1,045,758</u>
Represented by :		
Undrawn allocations	2,147,206	
Accounts receivable and sundry debit balances	61,783	2,208,989
		<u>2,208,989</u>
<i>Less:</i>		
Unliquidated commitments	1,070,902	
Accounts payable and sundry credit balances	92,329	1,163,231
		<u>1,163,231</u>
		<u>1,045,758</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

ANNEX 11 (b)

World Health Organisation: status of funds from Governments' counterpart contributions in cash as at 31 December 1965*(Expressed in United States dollars)*

Balance of available funds at 31 December 1964	—
<i>Add:</i>	
Income:	
Contributions received during 1965	148,469
	<u>148,469</u>
<i>Deduct:</i>	
Cash disbursements during 1965	50,309
	<u>50,309</u>
Balance of available funds at 31 December 1965	<u>98,160</u>
Represented by:	
Accounts receivable and sundry debit balances	<u>98,160</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

1. The audit of the transactions of the World Health Organization under the United Nations Special Fund has been carried out in the same way as that under the regular budget and taking account of the procedures of the Special Fund.

2. My audit has not given rise to any special observations.

(Signed) Uno BRUNSKOG
External Auditor

Geneva, 28 February 1966

ANNEX 12

World Meteorological Organization: status of funds as at 31 December 1965*(Expressed in United States dollars)*

Balance of allocations and other available funds at 31 December 1964:		
Per 1964 WMO statement	1,117,834	
Transferred from United Nations	721	1,118,555
		<hr/>
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income		—
		<hr/>
		1,118,554
<i>Add:</i>		
Funds allocated during 1965		1,146,020
		<hr/>
Total funds available for commitments		2,264,574
<i>Deduct:</i>		
Funds committed during 1965		892,145
		<hr/>
Unencumbered balance of allocations at 31 December 1965		1,372,429
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments		121
		<hr/>
Unencumbered balance of allocations and other income at 31 December 1965		1,372,550
		<hr/> <hr/>
Represented by:		
Cash at banks, on hand and in transit	82,775	
Undrawn allocations	1,770,471	
Accounts receivable and sundry debit balances	18,291	1,871,537
		<hr/>
<i>Less:</i>		
Unliquidated commitments	436,224	
Accounts payable and sundry credit balances	62,763	498,987
		<hr/>
		1,372,550
		<hr/> <hr/>

CERTIFIED CORRECT:
 (Signed) E. H. COOK
 Chief, Budget and Finance Section

APPROVED:
 (Signed) D. A. DAVIES
 Secretary-General

AUDIT CERTIFICATE

The attached 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 attached statement is correct.

(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 1965:

- (1) THE STATUS OF FUNDS ALLOCATED TO THE WORLD METEOROLOGICAL ORGANIZATION BY THE UNITED NATIONS SPECIAL FUND;
- (2) THE STATUS OF FUNDS FOR GOVERNMENTS' COUNTERPART CASH CONTRIBUTIONS TO SPECIAL FUND PROJECTS

GENERAL

1. The statements and the related schedules are in the revised form prescribed by the United Nations Development Programme.

2. My examination has been carried out in conjunction with my audit of the accounts of the World Meteorological Organization.

3. As stated in my last report, the World Meteorological Organization took over from the United Nations, with effect from 1 October 1964, responsibility for administering certain Special Fund projects, and the statements of account as at 31 December 1964 accordingly included the balances of allocations and allotments transferred by the United Nations in respect of those projects. During 1965 the United Nations transferred the allocations, commitments and expenditures relevant to the period during which it had administered the projects, for incorporation into the Organization's accounts. Schedules B, E and F accordingly reflect the transactions incurred by both the World Meteorological

Organization and the United Nations in respect of these projects.

EQUIPMENT INVENTORIES

4. Instructions for the compilation and checking of inventories of equipment issued to Special Fund projects under the Organization's control had not been issued by 31 December 1965 and consequently inventory checks were not carried out for all projects during the year. I have been informed by the Organization, however, that these instructions have now been issued.

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

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

7 June 1966



Agenda item 80:* Report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1130th, 1133rd, 1134th, 1135th and 1139th meetings; and *ibid., Plenary Meetings*, 1495th and 1501st meetings.

Abbreviations

ACC	Administrative Committee on Co-ordination
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECE	Economic Commission for Europe
ECLA	Economic Commission for Latin America
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
IBRD	International Bank for Reconstruction and Development
ICAO	International Civil Aviation Organization
ICSAB	International Civil Service Advisory Board
ILO	International Labour Organisation
IMF	International Monetary Fund
IMCO	Inter-Governmental Consultative Organization
ONUC	United Nations Operation in the Congo
UNCTAD	United Nations Conference on Trade and Development
UNCURK	United Nations Commission for the Unification and Rehabilitation of Korea
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNIDO	United Nations Industrial Development Organization**
UNITAR	United Nations Institute for Training and Research
UNMOGIP	United Nations Military Observers Group in India and Pakistan
UNOID	United Nations Organization for Industrial Development**
UNTSO	United Nations Truce Supervision Organization in Palestine
UPU	Universal Postal Union
WHO	World Health Organization
WMO	World Meteorological Organization

** On 26 October 1966 the Second Committee decided that the English name of the Organization should be United Nations Industrial Development Organization (UNIDO).

DOCUMENTS A/6289 AND ADD.1 AND ADD.2

First report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies

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DOCUMENT A/6289

I. INTRODUCTION

[Original text: English]
[28 March 1966]

LETTER OF TRANSMITTAL

26 March 1966

Sir,

In accordance with paragraph 5 of General Assembly resolution 2049 (XX) of 13 December 1965, I have the honour to transmit to you the report of the *Ad Hoc* Committee of Experts containing the comments on the report of the Secretary-General on the finances of the United Nations (A/AC.124/1).

I should be grateful if you could transmit this report to all Member States.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mario MAJOLI

*Ambassador,
Chairman of the Ad Hoc Committee of Experts
to Examine the Finances of the United Nations
and the Specialized Agencies*

His Excellency
U Thant
Secretary-General of the United Nations
New York

1. The *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies was established by General Assembly resolution 2049 (XX), of 13 December 1965 (see annex I). The Committee consists of fourteen Member States designated on 21 December 1965 by the President of the General Assembly, namely, Argentina, Brazil, Canada, France, Hungary, India, Italy, Japan, Nigeria, Senegal, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America. A list of the representatives and alternate representatives is contained in annex II to the present report.

2. The Committee met for the first time on 2 February 1966. It elected Mr. Mario Majoli (Italy) Chairman, Mr. Károly Csatorday (Hungary) First Vice-Chairman and Mr. Ménoumbé Sar (Senegal) Second Vice-Chairman, and decided that its meetings would be closed.

3. At its first session commencing 2 February, the Committee had before it document A/AC.124/1, dated 24 January 1966, entitled: "Analysis of the finances of the United Nations"¹ prepared by the Secretary-General pursuant to paragraph 4 of resolution 2049 (XX); by this paragraph the General Assembly requested the Secretary-General to:

"(a) Draw up an analysis of the finances of the United Nations, showing the actual expenditure b.

¹ Mimeographed.

type of activity, including the amount of expenditure committed for the different peace-keeping operations since their inception, the resources utilized to meet them and, where applicable, the debts contracted by the United Nations;

“(b) Prepare, on the basis of the work mentioned in sub-paragraph (a) above, a complete statement of the financial situation of the Organization as at 30 September 1965;

“(c) Deliver the document in question to the members of the *Ad Hoc* Committee, as soon as the experts have been appointed, and transmit it at the same time to other Member States”.

4. The Committee made a detailed study of document A/AC.124/1 in the course of which various members of the Committee requested the Secretary-General to furnish information additional to that already contained in his report and also made certain comments. Some of the questions asked and the observations made in connexion with certain paragraphs of the Secretary-General's report as well as the replies and comments furnished by the Secretariat—on some of which further observations were made—will be found in annex V to the present report. In this context, the Committee wishes to put on record its appreciation to the Secretary-General and his staff for their co-operation and the promptitude with which all necessary information was submitted to the Committee.

5. In considering document A/AC.124/1, the Committee confined its observations to the technical and financial aspects of the matters before it and refrained from commenting on the legal and political aspects involved.

6. It is useful to recall paragraphs 5 and 6 of General Assembly resolution 2049 (XX) which contained the terms of reference of the *Ad Hoc* Committee of Experts:

“The General Assembly,

“... ”

“5. Invites the *Ad Hoc* Committee to examine the document delivered to it by the Secretary-General and, after asking, if necessary, for any additional information it considers useful, to transmit its comments, through the Secretary-General, to Member States at the earliest possible date and by 31 March 1966 at the latest;

“6. Further invites the *Ad Hoc* Committee to:

“(a) Examine, with the assistance of the Advisory Committee on Administrative and Budgetary Questions and in liaison with the Secretary-General and the executive heads of the specialized agencies and of the International Atomic Energy Agency, the entire range of the budgetary problems of the United Nations and the organizations brought into relationship with it, notably their administrative and budgetary procedures, the means of comparing and, if possible, standardizing their budgets and the financial aspect of their expansion, with a view to avoiding needless expenditure, particularly expenditure resulting from duplication;

“(b) Submit to the General Assembly at its twenty-first session, without prejudice to the terms of reference of the Special Committee on Peace-keeping Operations, such recommendations as it may deem appropriate, in order, on the one hand, to secure better utilization of the funds available through rationalization and more thorough co-ordination of the

activities of the organizations and, on the other, to ensure that any expansion of those activities takes into account both the needs they are intended to meet and the costs Member States will have to bear as a result”.

7. At the start of its work the Committee decided that it should begin by taking up the first part of its terms of reference as laid down in paragraph 5 of the above resolution. Nevertheless, it felt that it should take the following steps regarding the second part of its terms of reference:

(a) It invited the Chairman of the Advisory Committee on Administrative and Budgetary Questions to participate in its deliberations at the stage when it would examine the budgetary and administrative problems of the United Nations and of the specialized agencies and IAEA;

(b) It authorized its Chairman to send a letter to the executive heads of the specialized agencies and IAEA (see annex VI) to establish liaison with them in order to secure their co-operation for the second part of its terms of reference;

(c) In this connexion, it appointed a working group composed of Brazil, Canada, Hungary, India and the United Arab Republic to formulate certain preliminary questions which, after being considered by the Committee, were attached to the aforementioned letter;

(d) On 24 March 1966, the Committee held a meeting with the Directors-General of FAO, UNESCO, WHO, the Deputy Directory-General of UPU, the Secretaries General of ICAO, WMO and IMCO, and the representatives of the ILO and IAEA and heard statements by these officials. Practical arrangements were agreed upon for the work to be undertaken at Geneva in April.

8. In view of the importance of the questions relating to the United Nations regular budget and the budgets of the specialized agencies and IAEA and bearing in mind the limited period of time fixed for the presentation of the first report, the Committee decided to devote its meetings to be held from April onwards at Geneva and later in New York to the consideration of the problems mentioned in paragraph 6, sub-paragraphs (a) and (b), of resolution 2049 (XX).

9. After a first series of 14 plenary meetings, from 2 to 15 February, the Committee decided to appoint a drafting committee consisting of representatives of all its members. This drafting committee also functioned under the chairmanship of Mr. Mario Majoli, and held 11 meetings. The Committee held another 13 plenary meetings from 15 to 25 March and adopted the present report on 25 March 1966.

10. In the course of the first session the members of the Committee directed their attention mainly to two subjects:

- (a) Analysis of the finances of the Organization; and
- (b) Statement of the financial situation of the Organization as at 30 September 1965.

In their discussion of these subjects, the members of the Committee had before them the report of the Secretary-General (A/AC.124/1).

11. In a preliminary analysis of the financial situation of the Organization, which showed that during the period from 1956 to 1965 the expenditures of the Organization have more than doubled, some members drew the attention of the Committee to a number of factors which, in their opinion, were responsible for

the rise in the budgetary expenditure of the Organization causing concern to those Member States which stressed that any expansion of the activities of the United Nations must take into account both the needs intended to be met by the activities in question "and the costs Member States will have to bear as a result" (resolution 2049 (XX), paragraph 6 (b)). Other members laid emphasis on different factors.

12. All these factors presented by one delegation or another could however be summarized in the following manner: the increase in the number of organs and conferences, the marked increase in the size of the United Nations Secretariat, the rising expenditure for Secretariat salaries, the higher cost of living in the countries in which the main agencies of the United Nations are located, expansion in membership, the growing need for increase in developmental activities in view of the ever-widening gap between industrialized and developing countries in so far as their respective rates of economic growth are concerned.

13. It was felt desirable, however, that any savings resulting from effective utilization of resources and improved co-ordination should be used as additional resources for the benefit of developing countries.

14. It was mentioned by some delegations that technical assistance activities financed from the regular budget might be more effective if included in the United Nations Development Programme. They considered that financing such activities in the regular budget prevents certain States from rendering technical assistance to developing countries in the form most acceptable to the donors. While the Committee did not consider this question, a number of delegations held a different view. They indicated that in any case, it was essential that no reduction should be brought to the aggregate total of funds destined to development needs. At the same time, they expressed the hope that these funds might continue to increase, always bearing in mind the needs of developing countries as well as the costs Member States would have to bear as a result thereof.

15. Some members of the Committee also expressed the view that only those categories of expenditure should be kept under the regular budget which were necessary for servicing and maintaining the activities of the organs of the United Nations, especially as the financial situation of the United Nations could be improved only if there were strict observance of the Charter of the United Nations as they interpreted it, in the execution and financing of all United Nations operations including those connected with the maintenance of peace and security.

16. It was felt by several members that the report of the Secretary-General did not fulfil their needs for certain financial information about the Organization, because it concentrated on the analysis of the deficit caused by the United Nations operations in the Middle East and the Congo. Those members desired, in addition, a detailed analysis of the expenses of the Organization showing actual expenditure by type of activity, and the Secretary-General was therefore requested to produce a report on this point.

17. The members of the Committee were agreed that their participation in the Committee's work in establishing a clear picture of the finances of the United Nations did not alter their Governments' political and legal views in connexion with peace-keeping activities of the United Nations and the different sections of the regular budget. Some members stated that no calculations or explana-

tions set forth in the present report created any obligations on their Governments in view of their positions of principle concerning peace-keeping operations.

II. ANALYSIS OF THE FINANCIAL SITUATION OF THE UNITED NATIONS

18. The analysis of the finances of the United Nations as submitted to the Committee by the Secretary-General in his report (A/AC.124/1) included financial data relating primarily to the regular budget and to the two peace-keeping operations in respect of which the General Assembly had assessed contributions on Member States separately from those for the regular budget, namely, the United Nations Emergency Force and the United Nations Operation in the Congo. The Secretary-General indicated in paragraphs 6 and 7 of his report that the long-term indebtedness of the Organization, of which the United Nations bond issue is the largest element, was to be borne in mind.

19. To understand the problem currently faced by the United Nations in balancing its finances, the following three essential facts must be recalled:

(a) In 1956 and 1960, the Organization undertook two peace-keeping operations—UNEF and ONUC—in whose financing certain Member States (the list is not exactly the same for the two operations)—because of their positions of principle—abstain from participating. The costs relating to these two operations are entered in special accounts.

(b) The Organization financed part of the UNEF and ONUC costs by assessments on Member States separate from those for the regular budget, plus voluntary contributions from certain Member States. At the end of 1961, however, it decided to issue long-term bonds and, from time to time, part of the costs of UNEF and ONUC were covered out of the proceeds of this bond issue.

(c) The annual payments needed for servicing the loan mentioned in sub-paragraph (b) above were included in the regular budget. Most of the countries which refuse to participate in the financing of UNEF and ONUC do not make contributions to the regular budget to cover these annual payments. In addition, it is necessary to recall that certain Member States, because of their positions of principle, do not participate in the financing of certain items of a different character which also come under the regular budget. There is, accordingly, a problem for the Organization's regular budget, which otherwise would not incur any great difficulties.

20. The important financial consequences flowing from the two operations as at 30 September 1965, according to the figures provided by the Secretary-General, are as follows:

(a) The expenses authorized for UNEF from its inception amounted to \$186.9 million. The contributions received (both assessed and voluntary) and miscellaneous income amounted to \$125.9 million. The unpaid assessed contributions amounted to \$33.7 million. The proceeds of the loan mentioned in paragraph 19, sub-paragraph (b), above were utilized up to \$29.9 million.

(b) The expenses authorized for ONUC from its inception amounted to \$392.8 million. The contributions received (both assessed and voluntary) and miscellaneous income amounted to \$205 million. The unpaid assessed contributions amounted to \$82.5 million. The proceeds of the loan mentioned in paragraph 19, sub-

paragraph (b), above were utilized up to \$143.2 million.

(c) The original amount of the loan referred to in paragraph 19, sub-paragraph (b), above was \$169.9 million to which was added interest earnings of \$3.2 million, making a total available of \$173.1 million. The balance due on this long-term debt is \$156 million.

(d) The regular budget has a cumulative deficit of \$5.7 million, owing to the refusal of certain States, because of their positions of principle, to pay their part of the contributions corresponding to the service of the loan. It may be anticipated that the continuation of this situation will increase the cumulative deficit by about \$2.4 million a year. To the \$2.4 million it is necessary to add amounts relating to the items in the ordinary budget referred to in the penultimate sentence of paragraph 19, sub-paragraph (c), above.

21. The proceeds of the long-term loan added to the paid assessments, voluntary contributions and miscellaneous income were not sufficient to meet the total expenses of the Organization with the result that there was at 30 September 1965 a residual shortfall. To arrive at a judgement of the amount of this residual shortfall, it was necessary for the Committee to reach conclusions as to the current availability of assets and the current extent of liabilities.

22. The Secretary-General properly confined himself to providing in this respect the figures contained in the accounts of the Organization, whereas the table which follows in paragraph 24 below sets forth the Committee's judgement of the difference between the current obligations and the currently available assets which can be used to meet them.

23. In those instances where the Committee felt that its judgement fell between a minimum and maximum amount, it has shown the amounts resulting in a lower shortfall in column A and the amounts resulting in a larger shortfall in column B. With regard to item 3 (surplus accounts), the figures set forth in columns A and B reflect divergent points of view as to the applicability of the regulations and practices on this subject to the "surplus accounts" for UNEF and ONUC. In relating columns A and B to the figures appearing in table IV of the Secretary-General's report it must be borne in mind that in the case of three items (3, 6 and 8) the information contained in table IV differs in kind and objective from the figures in columns A and B.

24. The following table, because of the reasons indicated above, discloses several differences between column A and column B and also between column A or B and the figures appearing in table IV of the Secretary-General's report.

ESTIMATE OF CURRENT LIABILITIES AND CURRENT ASSETS AND OF THE RESULTING DEFICIT AS AT 30 SEPTEMBER 1965

(In millions of United States dollars)

	Estimate of the Committee			For information purposes: extract from table IV of the Secretary-General's report (A/AC.124/1 para. 33)
	A	B		
<i>Liabilities</i>				
(1) Repayment of advances from Working Capital Fund	40.1	40.1	Advances from Working Capital Fund	40.1
(2) Unliquidated obligations	54.2	55.2	Unliquidated obligations	55.2
(3) Sums to be credited or repaid to Member States from surplus accounts ..	2.4	17.9	Balances recorded in surplus accounts	36.2
(4) Conditional voluntary contributions received, repayable to Member States	2.3	2.3	Voluntary contributions collected but not credited to income	2.3
(5) TOTAL	<u>99.0</u>	<u>115.5</u>	TOTAL	<u>133.8</u>
<i>Assets</i>				
(6) Payments expected from unpaid assessed contributions by end of 1966	7.2	5.3	Unpaid assessed contributions	125.9
(7) Conditional voluntary contributions received but not credited to income	2.8	2.8	Voluntary contributions required, including amounts collected but not applied as income ..	3.5
(8) Further payments expected by end of 1966 towards 1965 obligations ..	22.9	22.9	Difference between 1965 obligations incurred and 1965 advance payments and miscellaneous income received	31.2
(9) Net liquid assets as at 30 September 1965	27.8	24.8	Net liquid assets as at 30 September 1965	27.8
(10) TOTAL	<u>60.7</u>	<u>55.8</u>	TOTAL	<u>188.4</u>
(11) Deficit (excess of liabilities over assets)	38.3	59.7		
(12) Voluntary contributions paid into the Special Account as at 30 September 1965	13.7	13.7		
(13) Deficit for which voluntary contributions were originally requested	52.0	73.4		
(14) Voluntary contributions to the Special Account paid or pledged	20.1	20.1		
(15) Additional voluntary contributions to be obtained	31.9	53.3		

25. The main differences between column A and column B, and also between column A or B and the figures appearing in table IV of the Secretary-General's report, are explained in paragraphs 26 to 30 below.

26. "Sums to be credited or repaid to Member States from surplus accounts" and "Balances recorded in surplus accounts" (item 3).

(a) The difference between the higher figure in the Committee's estimates, \$17.9 million and the figure in the Secretary-General's report of \$36.2 million is accounted for by two factors:

(i) \$11.1 million of the difference is attributable to the period July 1962 to June 1963 inclusive, for which no assessments were levied against the Member States for the purposes of UNEF and ONUC. During this period, the proceeds of the United Nations bond issue were used to finance these activities.

(ii) \$7.2 million of the difference is mainly due to possible credits on unpaid assessments.

(b) (i) The difference of \$15.5 million between the lower figure of \$2.4 million for surplus accounts in column A and the higher figure of \$17.9 million in column B is due to a divergence in the opinion of what comprises surplus accounts.

(ii) The Committee felt that, in the light of the discussion in the General Assembly leading to the adoption of resolution 2049 (XX), it should in general act by consensus. On this particular item, in the absence of a full consensus, the Committee elected to state the divergent views that had been expressed, as contained in annex IV, parts A and B.

(iii) The higher figure of \$17.9 million represents both regular budget surpluses and those surpluses related to UNEF and ONUC. This figure is supported by those Members in whose view the total amount is in accordance with the pertinent United Nations financial regulations and practices. These Members stressed the fact that the amounts making up this figure had been approved by the Board of Auditors, whose reports have been accepted by the General Assembly. In their opinion the word "deficit" is improperly employed (when used in the manner indicated in sub-paragraph (iv) below) by those delegations that object to the recognition of surpluses in the ONUC and UNEF accounts: this use of the word "deficit" with relation to the ONUC and UNEF accounts fails to take into account the fact that \$173.1 million in bond proceeds were transferred to those accounts, whereas the actual expenses for the period 1 July 1962-30 June 1963 amounted to only \$118.8 million; if all assessments for ONUC and UNEF were paid there would be in fact a substantial surplus of current assets over current liabilities; the fact that some States did not pay assessments—and the deficit resulting from that fact—cannot affect the surplus account liabilities of the Organization to those States which have paid their assessments fully; accordingly, the 51 Member States that have paid their UNEF and ONUC assessments in full are entitled to full credits from the \$15.5 million for surplus accounts in column B of the Committee's table; 39 other Member States are entitled to partial credits from this sum as reductions in their liabilities, because of partial payments on their UNEF and ONUC accounts. In addition, \$2.4 million is due from surplus accounts to all Member States as a result of the excess of regular budget authorization over expenditures.

(iv) The lower figure of \$2.4 million represents only regular budget surpluses and is supported by those Members in whose view no liability existed at all for the Organization, as a consequence of UNEF and ONUC surplus accounts, because, in their opinion, the special accounts for these operations were in deficit and would have been in deficit even if all assessments had been paid; these Members also considered that neither the Financial Regulations of the United Nations nor the reports of the Board of Auditors, nor the resolutions of the General Assembly could be interpreted as generating a liability for the Organization in this respect, over and above the \$2.4 million due from surplus accounts to all Member States as a result of the excess of regular budget authorizations over expenditures.

27. "Payments expected from unpaid assessed contributions by end of 1966" and "Unpaid assessed contributions" (item 6). Of the \$125.9 million shown as "unpaid assessed contributions" in table IV of the Secretary-General's report, the bulk—approximately \$100 million—represents assessments which certain Member States do not accept because of their positions of principle. The amounts of \$7.2 million and \$5.3 million in columns A and B, respectively, are the best estimates of unpaid assessed contributions expected to be collected by the end of 1966, and, therefore, this range is set forth as a current asset.

28. "Further payments expected by end of 1966 towards 1965 obligations" and "Difference between 1965 obligations incurred and 1965 advance payments and miscellaneous income received" (item 8). The figure of \$31.2 million in table IV of the Secretary-General's report represents the sum still required on 30 September 1965 to be contributed by Member States for this period. The Committee's figure of \$22.9 million represents the amount which may be expected to be paid by the end of 1966.

29. "Net liquid assets as at 30 September 1965" (item 9). The Committee's judgement of this item provides for a range of from \$24.8 million to \$27.8 million, rather than the single figure of \$27.8 million indicated by the Secretary-General. This evaluation is based upon the possible difficulty of utilizing an amount of \$3.0 million of a total of \$5.5 million in Congolese francs before the end of 1966.

30. More detailed explanatory comments on the table set forth in paragraph 24 above are contained in annex III.

III. SUMMARY OF THE SHORT-TERM (CURRENT) FINANCIAL SITUATION OF THE UNITED NATIONS AS AT 30 SEPTEMBER 1965

31. The conclusion of the Committee is that the deficit of the Organization towards which voluntary contributions were requested from Member States "to assist the Organization out of its financial difficulties" was as follows on 30 September 1965:

32. The "Deficit for which voluntary contributions were originally requested" (item 13) is shown as \$52.0 million in column A and \$73.4 million in column B.

33. Against this deficit an amount of \$13.7 million had already been contributed (as reflected in paragraphs 33-35 of the Secretary-General's report) and, accordingly, the "Deficit (excess of liabilities over assets)"

(item 11) is shown as \$38.3 million in column A and \$59.7 million in column B.

34. If amounts pledged and as yet unpaid are added to amounts contributed and available, they total \$20.1 million. Thus, "Additional voluntary contributions to be obtained" (item 15) is shown as \$31.9 million in column A and \$53.3 million in column B.

35. The difference of \$21.4 million between the lower and the higher estimates for the short-term (current) financial situation as at 30 September 1965 is, as explained above in paragraph 26 regarding item 3, mainly due to the divergence of \$15.5 million in the opinion of what comprises surplus accounts.

IV. SUMMARY OF LONG-TERM FINANCIAL SITUATION

36. As at 30 September 1965 there remained a balance due of \$156 million on the principal amount of the United Nations bonds which is repayable in annual instalments until 1990. After the payment of the instalment due in January 1966, the principal amount, plus interest, remaining to be paid through maturity totals \$186.4 million. It may be expected that the continuation of the situation described in paragraphs 19, sub-paragraph (c), and 20, sub-paragraph (d), above will result in an increase in the cumulative deficit in the regular budget of about \$2.4 million a year.

37. In addition, as indicated in paragraph 19, sub-paragraph (c), certain States, because of their positions of principle, do not participate in the financing of certain other items in the regular budget. It may be anticipated that the continuation of this situation will result in an increase in the cumulative deficit in the regular budget of about \$0.8 million a year.

38. Further, certain States have offered to make payments of their shares of the appropriations for technical assistance as provided for in part V (technical programmes) of the budget for 1963 and 1964 in the equivalent amount of the national currencies and have deposited respective amounts to the United Nations account. The Secretary-General has not credited these amounts against assessments since he has not been able so far to use these national currencies. The amount involved is about \$1.1 million a year.

ANNEXES

DOCUMENT A/6289/ADD.1

[Original text: English]
[31 March 1966]

ANNEX I

General Assembly resolution 2049 (XX), of 13 December 1965

ESTABLISHMENT OF THE *Ad Hoc* COMMITTEE OF EXPERTS TO EXAMINE THE FINANCES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

[For the text of the resolution, see Official Records of the General Assembly, Twentieth Session, Supplement No. 14.]

ANNEX II

List of representatives to the *Ad Hoc* Committee at its first session

(New York, 2 February-25 March 1966)

ARGENTINA

Representative:

Mr. Raúl A. Quájano

BRAZIL

Representative:

H.E. Mr. José Sette Camara

Alternates:

Mr. David Silveira da Mota
Mr. Henrique de Araujo Mesquita

Adviser:

Mr. Carlos Antonio Bettencourt Bueno

CANADA

Representative:

Mr. James Douglas Gibson

Alternates:

Mr. Gordon E. Cox
Mr. Dudley C. Bignell

Advisers:

Mr. Sidney A. Freifeld
Mr. V. G. Turner

FRANCE

Representative:

Mr. Guillaume Guindeg

Advisers:

Mr. Maurice Viaud
Mr. Michel van Grevenynghe
Mr. Ivan Martin Witkowski
Mr. Antoine Brunet

HUNGARY

Representative:

H.E. Mr. Károly Csatorday

Alternate:

Mr. József Tardos

Advisers:

Mr. Ede Gazdik
Mr. Géza Selmei

INDIA

Representative:

Mr. K. L. Gheir*

Alternates:

Mr. B. C. Mishra
Mr. S. K. Singh

ITALY

Representative:

H.E. Mr. Mario Majoli

Alternates:

Mr. Vincenzo Tornetta
Mr. C. M. Rossi Arnaud

Adviser:

Mr. Fabrizio De Martiis

JAPAN

Representative:

H.E. Mr. Isao Abe

Alternate:

Mr. Tokichiro Uomoto

NIGERIA

Representative:

Mr. B. Akporode Clark

SENEGAL

Representative:

Mr. Ménoumbé Sar

* Mr. Gheir participated in the work of the Committee until 20 March 1966, when he passed away suddenly in New York.

Alternates:

Mr. Cheikhou Faye
Mr. Abdou Ciss

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

H.E. Mr. P. M. Chernyshev

Alternate:

Mr. K. N. Plotnikov
Mr. A. F. Sokirkin

Advisers:

Mr. V. F. Ulanchev
Mr. V. V. Lozinsky

UNITED ARAB REPUBLIC

Representative:

H.E. Mr. Mohamed Awad El Kony

Alternate:

Dr. Ashraf Ghorbal

Adviser:

Mr. Shaffie Abdel-Hamid

Secretary:

Mr. Ibrahim Allam

UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND*Representative:*

Sir George Humphrey Middleton, K.C.M.G.

Alternate:

Mr. James Gibson, C.B.E.

UNITED STATES OF AMERICA

Representative:

H.E. Mr. Philip M. Klutznick

Alternates:

Mr. Albert F. Bender
Mr. Seymour M. Finger
Mr. Wilbur H. Ziehl

ANNEX III

Explanatory comments on the table contained in paragraph 24 of the report

[The numbers of the items correspond to those in the table]

LIABILITIES

(Item 1)

Repayment of advances from Working Capital Fund

The level of the Working Capital Fund is \$40 million, as set by General Assembly resolutions 1986 (XVIII) and 2004 (XIX). At 30 September 1965 the level was \$40.1 million of which \$0.1 million has since been returned to Member States.

(Item 2)

Unliquidated obligations

The data taken from documents A/AC.124/1 and A/AC.124/R.10^a are based partly on accounts actually in hand on 30 September 1965 and partly on estimates of liabilities already incurred. In making his estimates, the Secretary-General has drawn on his experience in negotiating UNEF and ONUC claims, and while these estimates could be exceeded when invoices are presented and settled, nevertheless a range from \$54.2 to \$55.2 million appears reasonable.

(Item 3)

Sums to be credited or repaid to Member States from surplus accounts

This subject is considered in paragraph 26 of the Committee's report and in annex IV. The basic data for the Committee's

^a For the substance of document A/AC.124/R.10, see annex V, paras. 55 and 56.

consideration were supplied by the Secretary-General at the Committee's request, together with the assumption on which they were based (see A/AC.124/R.20^b).

In calculating the apportionment of \$1.3 million of UNEF miscellaneous income and \$32.2 million of ONUC surplus up to 31 December 1964 the Secretary-General had made the assumption that the UNEF and ONUC surplus of each year, as recorded in the accounts at 30 September 1965, was shared proportionately among the sources which the General Assembly decided were to finance in full its expenditure authorization for that year. In that connexion, UNEF and ONUC sources of financing have included, in addition to assessments on Member States, voluntary contributions required from Member States, and financing from the United Nations Bond Account for the period 1 July 1962 to 30 June 1963.

The summary table prepared by the Secretary-General is as follows:

	Balances in surplus account		
	UNEF	ONUC	Total
	Millions of United States dollars		
<i>Credits to:</i>			
Member States for paid assessments	0.7	12.1	12.8
Member States for voluntary contributions paid and credited to income	0.1	2.6	2.7
	0.8	14.7	15.5
Member States for unpaid assessments . .	0.3	6.4	6.7
Voluntary contributions required but either uncollected, or collected and not credited to income	—	0.2	0.2
United Nations Bond Account	0.2	10.9	11.1
	1.3	32.2	33.5
	1.3	32.2	33.5

(Item 4)

Conditional voluntary contributions received, repayable to Member States

Conditional voluntary contributions in the amount of \$2.8 million had been collected but not credited to income as at 30 September 1965 (A/AC.124/1, paragraph 15, corrected by A/AC.124/R.4,^c table). These voluntary contributions had been requested from "developed countries" by certain UNEF and ONUC financing resolutions to cover the shortfall resulting from assessing "developing countries" at less than the regular scale. However, the contributions in question were returnable to Member States to the extent that matching payments of assessed contributions were not received from "economically less developed countries" (A/AC.124/1, para. 31, sub-paragraph (c)) within specified time-limits.

The Secretary-General provided information on the collection of contributions during the period 1 October 1965 to 8 February 1966 (A/AC.124/R.11^d). The collections relating to 1964 and prior years—\$0.1 million for UNEF and \$0.2 million for ONUC—contain payments made by "economically less developed countries" which, together with previous partial payments by such countries, enabled the Secretary-General after 30 September 1965 to credit an amount of \$0.4 million to income.

On 12 January 1965, a Member State made a payment of \$0.7 million, the application of which amount awaited its subsequent instructions (A/AC.124/R.21,^e footnote d, and A/AC.124/R.6,^f para. 2). In February 1966, the same Member State requested that \$0.1 million of the \$0.7 million be applied to its UNEF and ONUC assessments. Consequently, an addi-

^b For the substance of document A/AC.124/R.20, see annex V, paras. 37 and 38, and table IV.

^c For the substance of document A/AC.124/R.4, see annex V, paras. 22 to 27.

^d For the substance of document A/AC.124/R.11, see annex V, para. 43 and table V.

^e For the substance of document A/AC.124/R.21, see annex V, para. 11 and table II.

^f For the substance of document A/AC.124/R.6, see annex V, para. 18 and table III, except parts B and C.

tional \$0.1 million of conditional voluntary contributions was credited to income, leaving \$2.3 million returnable to Member States.

(Item 5)

Total liabilities: self-explanatory

ASSETS

(Item 6)

Payments expected from unpaid assessed contributions by the end of 1966

As stated in paragraph 27 of the Committee's report, the amounts of \$7.2 million and \$5.3 million in columns A and B, respectively, are the best estimates of unpaid assessed contributions expected to be collected by the end of 1966, and therefore this range is set forth as a current asset. Of the \$125.9 million shown as "Unpaid assessed contributions" in the Secretary-General's table IV, the bulk—approximately \$100 million—represents assessments which certain Member States do not accept because of their position of principle.

(Item 7)

Conditional voluntary contributions received but not credited to income

This item is related to item 4. The Secretary-General's entry of \$3.5 million represents not only the voluntary contributions already received but also those still called for under various UNEF and ONUC financing resolutions to make up for the reductions in the assessments on developing countries. Since only \$2.8 million had in fact been received for this purpose on 30 September 1965, only this amount constitutes an additional asset.

(Item 8)

Further payments expected by end of 1966 towards 1965 obligations

The amount of \$31.2 million in table IV of the Secretary-General's report is the difference between the amount of obligations incurred from 1 January to 30 September 1965, on the one hand, and the amount of advance payments in respect of the whole year 1965 plus miscellaneous income for the regular budget received up to 30 September 1965, on the other. The Committee arrived at the figure of \$22.9 million in the following way:

	Millions of United States dollars
Regular budget	23.0
Less:	
Amounts withheld for United Nations bond issue and other budget items for which certain Member States, because of their positions of principle, have not paid	3.1
	19.9
UNEF	8.2
Less:	
Assessments for 1965 on Member States that have never contributed	4.6
Excess of expenditures authorized for 1965 (\$18.9 million) over assessments (\$18.5 million)	0.4
Known refusal of a Member State to pay surcharge	0.2
	5.2
	3.0
TOTAL	22.9

This calculation is based on the assumption of payment in full by all Member States that have contributed toward UNEF, excluding only the payment of the surcharge by one Member State.

(Item 9)

Net liquid assets as at 30 September 1965

As stated in paragraph 29 of the report, the Committee's judgement of this item provides for a range of from \$24.8 million to \$27.8 million, rather than the single figure of \$27.8 million indicated by the Secretary-General. This evaluation is based upon the possible difficulty of utilizing before the end of 1965 an amount of \$3.0 million of a total of \$5.5 million in Congolese francs on hand.

(Item 10)

Total assets: self-explanatory

(Item 11)

Deficit (excess of liabilities over assets)

(Item 12)

Voluntary contributions paid into the Special Account as at 30 September 1965

(Item 13)

Deficit for which voluntary contributions were originally requested

(Item 14)

Voluntary contributions to the Special Account paid or pledged

(Item 15)

Additional voluntary contributions to be obtained

Items 11 to 15 are explained in paragraphs 31 to 35 of the Committee's report. However, with respect to item 14, at 30 September 1965 a total of \$20.8 million has been paid or pledged. Since then, the General Assembly by its resolution 2115 (XX), section II, paragraph 5, which made apportionments for UNEF, has taken the following decision:

"5. Further decides that such Member States as have made voluntary contributions to restore the solvency of the United Nations may request the Secretary-General to apply these contributions to the amounts apportioned against them..." [for UNEF].

Three Member States have availed themselves of this right for a total of \$0.6 million, and it is estimated that an additional amount of \$0.1 million may be transferred in the future. Accordingly, the original figure of \$20.8 million was reduced to \$20.1 million.

ANNEX IV

Views on the question of surplus accounts

A. VIEWS OF THE DELEGATION OF THE UNITED STATES OF AMERICA

1. Statement on the status of surplus accounts made by the representative of the United States of America before the Ad Hoc Committee on 10 February 1966^a

To understand the status of the so-called surplus accounts, and the fact that they constitute a real liability of the Organization regardless of the availability or non-availability of cash, one must first be acquainted fully with the procedures of the United Nations governing the appropriation and provision of funds. These procedures are provided for in articles IV and V of the Financial Regulations and Rules of the United Nations.

Article IV of the Regulations provides as follows:

"Regulation 4.1: The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.

"Regulation 4.2: Appropriations shall be available for obligation during the financial year to which they relate.

"Regulation 4.3: Appropriations shall remain available for twelve months following the end of the financial year to

^aOriginally circulated as document A/AC.124/R.14.

which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation of the year. The balance of the appropriations shall be surrendered.

"*Regulation 4.4:* At the end of the twelve-month period provided in Regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior year obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.

"*Regulation 4.5:* No transfer between appropriation sections may be made without authorization by the General Assembly."

It will be noted that the provisions of article IV are not conditioned upon the receipt from Member States of the amounts appropriated. They simply relate amounts appropriated for any one year to the amounts actually required to cover obligations for that year. They provide that at the end of a twelve-month period of the financial year in question, the excess of appropriations over amounts required to cover obligations shall be surrendered. The fact that any Member State may not as yet have paid its contribution for the financial year in question is of no significance in the application of these provisions of article IV.

Now what happens to the surplus appropriations which are surrendered? Article V of the Regulations provides the answer. It states, in part:

"*Regulation 5.2:* In the assessment of the contributions of Member States, adjustments shall be made to the amount of the appropriations approved by the General Assembly for the following financial year in respect of:

"...

"(d) Any balance of the appropriations surrendered under Regulations 4.3 and 4.4".

The foregoing provision recognizes that any surplus appropriation for any particular year must eventually be returned to the Member States or used for purposes decided upon by them, and that normally it is credited to those States against assessments for subsequent years. The fact that the crediting has not yet taken place does not derogate from the fact that the surplus is owed to Member States in proportion to the actual amounts which have been assessed against them to provide the appropriation in question. This is true regardless of whether or not any particular Member State may not yet have paid its assessment. Obviously, a State which has not paid its assessment is not entitled to a cash refund of a proportion of a surplus account but is entitled to an appropriate credit against its unpaid assessment.

The reason for the foregoing regulations is obvious. Each year the General Assembly appropriates funds on the basis of estimates submitted by the Secretary-General. The amounts appropriated are apportioned among Member States on the basis of a scale of assessments. If the estimates prove to have been excessive, and if more money accordingly has been appropriated than was really required to cover obligations, then this means that each State has been over-assessed. Since the intention of all States is to contribute only what is actually required, all are entitled to have their assessments adjusted retroactively to reflect the amounts actually needed by the Organization. The most convenient way of handling this is by providing credits against future assessments. There can be no doubt that, until such credit is given, or amounts in the surplus accounts have been otherwise disposed of by the General Assembly to liquidate obligations of the Organization which Member States are required to finance, the Organization remains obliged to each Member State in the amount of over-assessment.

All of this is, of course, elementary and, as we understand it, no delegation takes exception to it, so far as assessments for the regular budget are concerned. It has been suggested, however, that the principles to which we have referred are not applicable to over-assessments for the *Ad Hoc* Account for ONUC or to the Special Account of UNEF.

As we understand it, there have been put forward two arguments why it should be considered that there are no surplus account liabilities with respect to the ONUC and UNEF accounts. This memorandum will deal with these separately.

First of all, it appears to be said that surplus account liabilities do not exist with respect to ONUC and UNEF because the General Assembly had decided to finance these operations on a different basis than it has used with respect to the regular budget. In this connexion, attention has been called to paragraph 25 of the Secretary-General's report (A/AC.124/1), wherein mention is made of certain special financial procedures, approved by the General Assembly, which have been applied to the ONUC and UNEF accounts.

Let us first deal with ONUC. It appears to us that the special financial provision referred to does not support the contention based upon it. There are no special financial regulations covering the *Ad Hoc* Account for ONUC and, as mentioned in paragraph 373 of document ST/ADM/L4, entitled "Budgetary and Financial Practices of the United Nations" and prepared by the Office of the Controller of the United Nations:^b "In terms of United Nations financial regulation 6.7, the latter Account was administered in accordance with the Financial Regulations of the United Nations". That regulation reads:

"*Regulation 6.7:* The purpose and limits of each trust fund, reserve and special account shall be clearly defined by the appropriate authority. Unless otherwise provided by the General Assembly, such funds and accounts shall be administered in accordance with the present Regulations."

It is true that, as mentioned in paragraph 25 of the Secretary-General's report, a special procedure has been applied by the Secretary-General, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, with respect to the period of availability of appropriations for the *Ad Hoc* Account for ONUC. This procedure, as stated in paragraph 25, is the following:

"... The authorizations, including those previously voted by the General Assembly, to the extent they are required to discharge obligations in respect of goods supplied and services rendered in the financial period and to liquidate any other outstanding legal obligation of that period, shall remain available for five years following the end of the financial period to which they relate. At the end of the five-year period, the remaining balance will be surrendered. Any unliquidated prior-year obligation shall, at that time, be cancelled."

It will be recognized that this procedure is simply a modification of financial regulation 4.3 and merely substitutes a five-year period for a twelve-month period during which appropriations remain available. There is no suggestion that the appropriation is available to cover obligations incurred in any period other than that for which the appropriation was made. The procedure means simply that, if the United Nations appropriated \$10 million for obligations to be incurred in the financial year 1960, then that appropriation would remain available through 1965 to permit the liquidation of obligations incurred in the financial year 1960. The reason for this extension of the period of availability is clear; namely, to provide a more adequate period in which to permit claims to be received in the case of this special peace-keeping operation. There is nothing in this modification to suggest any possible intent by the General Assembly to change generally recognized principles of liability or to avoid liabilities to Member States resulting from over-assessments. The fact that an appropriation for a specific financial period remains available for five subsequent years rather than for one subsequent year surely cannot change the liability which results when an over-assessment is determined at the end of the appropriate period during which the appropriation is available.

Most of what has been said about the *Ad Hoc* Account for ONUC also applies to the Special Account of UNEF. It is true that special financial rules were adopted with respect to the latter account, as mentioned in paragraph 343

^b Mimeographed.

of document ST/ADM/L.4, and a relevant portion of these is quoted in paragraph 25 of the Secretary-General's present report. But all that is provided in the quoted portion of the rules is how accumulated credits in the surplus account may be applied to meet the Organization's obligations arising from the UNEF operation. The General Assembly has not yet decided how to deal with the balance in the account, that is whether to credit it now against further assessments or how otherwise to deal with it, and the fact remains that the United Nations continues liable to the Member States for that balance. Just as in the case of the regular budget, the fact that surplus accounts are not yet credited to Member States, against their assessments or otherwise, does not lessen the liability of the Organization with respect to the balance in the surplus account.

A second argument appears to be that no liability exists with respect to the ONUC and UNEF surplus accounts because for a period of a year during the course of these operations, no specific appropriations were made directly to either account. The suggestion seems to be that each operation must be looked on as a whole and accordingly there can be no surplus account since the amounts presently designated as surplus accounts total less than the expenditures during the year for which no specific appropriations were made to these accounts.

There are several difficulties with this argument. First of all, as has been pointed out by several members of the Committee, it is clearly not correct to say that no financial provisions were made for ONUC or UNEF during the year for which no specific appropriations were made to the ONUC and UNEF accounts. Full financial provisions were made for that year through the sale of bonds, and Member States have been and are presently being assessed to pay off these bonds. Sufficient funds were provided through this mechanism to cover completely the expenditures for the year in question. Thus, it is not correct to say that for that year there exists a deficit which must be taken into account in considering the status of surplus accounts.

Secondly, regardless of how the General Assembly might have decided to apply the surplus accounts, for example by deciding to apply surpluses for one year to meet obligations incurred in other years, the fact remains that the Assembly did not take this action and that balances of appropriations remain in both the ONUC and UNEF accounts.

Finally, and perhaps most important, it must be recognized that each year the accounts of the United Nations are audited by the Board of Auditors and are then accepted by the General Assembly. For example, the accounts for the financial year 1964 were audited and certified by the Board of Auditors and accepted by the General Assembly by its resolution 2048 (XX), of 13 December 1965, and it is to be noted that this resolution was adopted unanimously. The accounts accepted by the Assembly included accounts for ONUC and UNEF and those accounts set forth the same picture with regard to so-called surpluses as is contained in table IV of the Secretary-General's report now before us. They showed in the case of UNEF that there then existed a balance of \$1.2 million in a surplus account, and they showed in the case of ONUC unencumbered balances of appropriations for five separate years (1960-1964), totalling at that time \$32.9 million. Since the Assembly has accepted, and particularly has accepted without dissent, the accounts as presented by the Secretary-General, it seems clear that this Committee cannot assert that what the Assembly accepted as a surplus or as an unencumbered appropriation balance really is a meaningless item. This is particularly true since there are involved here liabilities of the Organization to all Member States in this Organization, and members of this Committee, even if they were prepared to waive credit due to their own Governments, could not waive, and should not suggest a waiver of, credits due to other Governments.

2. *Addendum, dated 25 March 1966, to the statement made by the representative of the United States of America on 10 February 1966 on the subject of surplus accounts*^c

^c Originally circulated as document A/AC.124/R.14/Add.1/Rev.1.

On 17 March 1966, the delegation of France submitted a memorandum [see part B below] on "surplus accounts" which, in large part, addressed itself to the statement made by the United States representative on that subject on 10 February 1966 [see p. 9 above] and circulated as document A/AC.124/R.14. Although the United States delegation believes that its earlier statement disposes completely of the substance of the issue raised by the French memorandum, it considers it necessary to discuss in some detail in this addendum certain of the points now put forward by the French delegation. These appear to be based, in large part, on a misunderstanding of the facts of the situation.

A. Section III of the French memorandum attempts to demonstrate, with respect to surplus accounts, certain differences (assumed to be material) between "operations under the regular budget, for which these rules were established (regulation 5.2 of the Financial Regulations), and the UNEF and ONUC peace-keeping operations". These "differences" have already been discussed at some length in the United States statement of 10 February, but the following must be noted about the contentions now made in section III of the French memorandum.

That memorandum consistently confuses the existence of surplus accounts as a liability of the Organization to Member States with the disposition of these accounts. Much of the French delegations argumentation is directed towards demonstrating that the disposition of surplus accounts for ONUC and UNEF does not take place automatically through credits to Member States at the end of the year following that for which particular appropriations were made, as in the case with the regular budget. To the best of our knowledge, no one has argued to the contrary, and the contention now put forward has no bearing on the existence of the surpluses in the ONUC and UNEF accounts or on the fact that they represent liabilities to Member States.

Secondly, it is clearly erroneous to suggest that there is no provision in the Financial Regulations and Rules relating to the disposition of ONUC surpluses. For example, as indicated in the earlier United States statement, it is clear that all of the regular Financial Regulations and Rules apply to ONUC, except as specifically modified, and the only modification is with respect to the period at the end of which surpluses are "surrendered". There can be no doubt that "surrendering" surpluses in the case of ONUC means the same as "surrendering" them in the case of the regular budget, i.e., placing them at the disposition, by credit or otherwise, of the Member States to whom they belong.

It is difficult to understand what support the French memorandum seeks to draw for its thesis that "the very idea of 'surplus accounts' for peace-keeping operations apparently does not seem something to be taken for granted", by quoting from the letter of the Chairman of the Advisory Committee on Administrative and Budgetary Questions dated 14 December 1961. The quotation is the following:

"The Advisory Committee is aware that there are valid reasons for this differentiation in that no surplus account exists for ONUC and that no other arrangements similar to those in UNEF rule 103.3, sub-paragraph (c), which would presuppose the extended duration of ONUC, are considered called for at this time."

This, of course, was an accurate statement of fact at that time, which does not bear upon the status of ONUC surpluses recorded as of today. No surplus account could have existed in December 1961 for ONUC, for which appropriations were first payable in that same year.

B. In section III, sub-paragraph (b), of its memorandum, the French delegation refers to a "difference of substance", and a "vital" one, between ONUC and UNEF, on the one hand, and the regular budget, on the other. This so-called difference is stated as follows:

"... while the regular budget is normally financed from contributions by Member States and miscellaneous income and is balanced, the peace-keeping operations, considered from their inception onwards, are found to show an overall deficit. For each of these two operations, the total of

assessed contributions, voluntary contributions and miscellaneous income falls short of the obligations actually incurred, even if unpaid contributions are disregarded".

There are several inaccuracies here, one of which is covered, to some extent, by the use of the word "normally" in the first sentence. It is perfectly well known that, just as in the case of ONUC and UNEF, regular budget expenditures have been covered from time to time by loans. As indicated in paragraph 6 of the Secretary-General's report (A/AC.124/1), the balances still required for the full repayment of the principal amount of United Nations bonds, the repayment of the United Nations Headquarters loan and the loan for the modernization of the Palais des Nations, Geneva, totalled, respectively, \$156 million, \$35 million and \$0.3 million as at 30 September 1965, and the amounts required annually for these repayments have been included, in accordance with General Assembly decisions, as part of the regular budget expenses. Thus, there is no difference between the situation of the regular budget and of the ONUC and UNEF accounts resulting from the fact that, while most of ONUC and UNEF expenses were financed by assessments and miscellaneous income, part of these were covered by the proceeds of a loan. Exactly the same is true of the regular budget, for which the French delegation concedes the existence of surplus accounts.

The second sentence in the quotation from the French memorandum set forth above, when taken with the first, contains a further inaccuracy in attempting to distinguish the financing of ONUC and UNEF operations from that of the regular budget. It is true of the regular budget, just as it is true of the two peace-keeping operations that "the total of assessed contributions, voluntary contributions, and miscellaneous income falls short of the obligations actually incurred, even if unpaid contributions are disregarded". This results in both cases from the fact that long-term loans have been used to finance certain expenditures. The fact that the expenditures financed by the loans were different in character has, of course, no bearing on the resulting position of the account in question, i.e., whether a deficit existed or not. Accordingly, it cannot be said that the peace-keeping operations "show an over-all deficit" but that at the same time the regular budget is "balanced" and shows no deficit. There is no "vital" difference of substance between the financial situation existing with respect to the regular budget and that existing with respect to the ONUC and UNEF accounts.

An additional inaccuracy occurs in the sentence following that quoted above from the French memorandum. This sentence reads:

"This means that even supposing that all Member States had paid the contributions asked of them by the Secretary-General, there would still be a deficit, which, according to the figures in the Secretariat's own document (A/AC.124/1), amounts to \$27.1 million for UNEF and \$80.7 million for ONUC, or \$107.8 million for the two operations together."

That this statement is erroneous is shown not only in the table prepared by the French delegation and included in annex V, paragraph 16, below, but also in paragraph 20, sub-paragraphs (a) and (b), of the Committee's report. The net expenses of \$118.8 million for the period 1 July 1962-30 June 1963, for which there was no specific assessment for these accounts, were covered by the proceeds of the bond issue. The table of the French delegation and paragraphs 20 sub-paragraphs (a) and (b), of the Committee's report demonstrate that, in fact, \$173.1 million of bond proceeds (and accumulated interest) were devoted to the payment of ONUC and UNEF expenses. They also demonstrate that there would be a surplus of actual cash in both accounts if all assessments had been paid.

The French statement that a "deficit" of more than \$100 million exists in the ONUC and UNEF accounts, apart from unpaid assessments, disregards the financing measures which were taken in the case of ONUC and UNEF for the period 1 July 1962-30 June 1963, and ignores the existence of separate accounts established by the General Assembly—just as it disregards the Financial Regulations. First, it should be noted that the bond issue was voted in the fall of 1961, and that

it was six months after the sale of bonds was authorized that the General Assembly decided not to make a specific assessment for ONUC and UNEF for the period 1 July 1962-30 June 1963. Secondly, bond proceeds were transferred from the bond account to the ONUC and UNEF accounts to cover the expenses for the period 1 July 1962-30 June 1963, as reported in the 1963 and 1964 financial accounts certified by the Board of Auditors and approved by the General Assembly. Accordingly, no deficit exists in the ONUC and UNEF accounts by reason of the failure to make a specific assessment for the 1 July 1962-30 June 1963 period. It is simple to demonstrate that this is true. The French delegation agrees, of course, that there is a deficit of \$156 million in the bond account today. If this is true—as it is—what happened to the \$173.1 million in bond proceeds and interest? The answer, of course, is that the funds went into the ONUC and UNEF accounts. It cannot in "common sense" be asserted that the bond account has a deficit of \$156 million and that at the same time the ONUC and UNEF accounts also have a deficit of \$118.8 million because of the lack of a direct appropriation for the period 1 July 1962-30 June 1963. Accordingly, it is clear that the French "deficit" thesis rests upon a refusal both to take account of the separate nature of the financial accounts established by the General Assembly and to recognize that \$173.1 million in cash has been received by the United Nations as bond proceeds and used to finance ONUC and UNEF obligations.

In this connexion, it is noted that, while the French delegation ignores the use of bond proceeds to arrive at a "deficit" which it asserts makes the existence of ONUC and UNEF surplus accounts impossible, it takes those bond proceeds into account in estimating the current "deficit" facing the Organization.

The foregoing focuses attention upon a most important fact relating to the financial situation of the United Nations which is often overlooked. This is the fact that, although only \$118.8 million of bond proceeds were required to finance the ONUC and UNEF operations for the period 1 July 1962-30 June 1963, in fact \$173.1 million of bond proceeds (and accumulated interest) went into the ONUC and UNEF accounts. This means that \$54.3 million of bond proceeds have been used to pay off ONUC and UNEF obligations incurred for periods other than the 1 July 1962-30 June 1963 period, and that the deficit created by unpaid assessments would have been higher by \$54.3 million, had bond proceeds not been available. This also means that Governments which contribute to the financing of the bond issue are contributing not only for the year 1 July 1962-30 June 1963, during which no direct assessment for ONUC and UNEF occurred, but are also contributing an additional \$54.3 million that should have been made available to the Organization by Member States which refused to pay assessments. To put it differently, the present deficit of \$156 million in the bond account would be reduced by \$54.3 million, had all Member States paid their ONUC and UNEF assessments. It is particularly important to recognize this fact when it is now suggested that Member States which have paid their assessments and which intend to continue contributing to the financing of the bond issue should not be considered as entitled to surplus account credits because "this would have the . . . result of making the deficit even larger".

It is clear from an examination of the accounts that, when the bond issue is paid off, there would be cash to the amount of the surpluses in the ONUC and UNEF accounts if all ONUC and UNEF assessments were paid. The fact that cash is not now available to cover the surplus accounts can be attributed only to the non-payment of assessments. The recognition of these accounts—and the liability they represent to Member States who paid too much in assessments, and many of whom also made voluntary contributions, cannot in good conscience be said to be contrary to the spirit of the Financial Regulations, and the Organization's liabilities to Members who have overpaid cannot be rationalized away simply because some States chose not to pay.

In the view of the United States delegation, to accept the position that the surplus accounts liabilities should not

be recognized because this "would have the immediate result of making the deficit even larger" would destroy the financial integrity of the Organization. It is impossible to accept as a responsible proposition the suggestion that Governments which have contributed fully in response to General Assembly resolutions should not have the Organization's liabilities to them respected because it would immediately increase the deficit—a deficit which has been created wholly by the refusal of others to honour General Assembly resolutions because of their stated "positions of principle". It seems to be suggested in the French memorandum that those who comply with General Assembly resolutions because of their "positions of principle" are entitled to considerably less consideration than those who take the contrary view.

C. Section IV of the French memorandum opens with the sentence:

"Some delegations, without disputing the accuracy of the figures given above, have observed that in their opinion the proper course would be to set aside completely the twelve-month period (July 1962 to June 1963) during which the peace-keeping operations were financed by borrowing, and to consider separately each of the years or portions of years preceding or following that period so as to show 'surplus accounts' for them; the period of manifest budgetary deficit from July 1962 to June 1963 should in their opinion be dealt with by itself."

To the extent that this sentence purports to represent in any way the views of the United States delegation, it is inaccurate. As indicated above, the United States delegation disputes vehemently the accuracy of the so-called "deficit" figures in the French memorandum, and the facts demonstrate that there was no "period of manifest budgetary deficit from July 1962 to June 1963". The United States delegation is, however, one of the delegations which insist that this Committee must respect the rules of annual budgeting laid down by the General Assembly in the Financial Regulations.

In section IV, as in earlier sections of the French memorandum, there is again an attempt to distinguish regular budget financing from the financing of ONUC and UNEF in order to justify a departure from the rules of annual budgeting and the ignoring of surplus accounts. The rationale given is the following:

"... At certain times the Secretary-General had to borrow considerable sums from various funds (including development assistance funds), large sums which he subsequently repaid. At other times he relied exclusively on the proceeds of the bond issue. The budget for the financial year 1961 was balanced only with the help of contributions assessed in 1962. For some other years, expenditure was financed partly by contributions and partly by borrowing. . ."

A simple answer to the above is to point out that exactly the same has been true with respect to the regular budget. To finance regular budget expenses, the General Assembly has relied, in part, on loans, in particular to finance capital expenditures. It has made supplementary appropriations in one year to cover expenses for a preceding year. The Secretary-General has borrowed from various funds, including the former Special Fund, to finance regular budget activities. For the regular budget, as for ONUC and UNEF, there has been a "use, successively or simultaneously, of various methods of financing" and yet no one—and certainly not the French delegation—has suggested that the normal financial rules relating to the existence of surpluses do not apply to the regular budget. Indeed, the contrary is true. Thus, it is more than surprising to find that the French memorandum concludes, in section IV, that action to repay annual surpluses "would undoubtedly be contrary to the spirit of the Financial Regulations, all whose provisions are designed specifically to prevent occurrence of a deficit".

D. In section V, the French memorandum contains another inaccuracy with respect to the function of the Board of Auditors. Contrary to what is said in that section, the Board of Auditors does make a "qualitative examination of the figures" in the accounts to make certain that they accord

with the resolutions of the General Assembly and the Financial Regulations.

Further, it is gratuitous, to say the least, to suggest, as does the French memorandum in section V, that:

"... The fact that the General Assembly had taken note of their presence among the accounts submitted to it, in a form which did not necessarily attract the Assembly's attention, would not afford sufficient grounds for affirming in good faith that the Assembly had taken an informed decision in the matter. . ."

It is doubtful that the French delegation is qualified to judge the manner in which other delegations examine the accounts of the Organization or the extent to which they are informed with respect to the accounts when they approve them.

It is noted that the last few paragraphs of section V of the French memorandum conceded rather clearly that surplus accounts do, in fact, exist. The argument becomes one to the effect that the Organization must decide what to do about them and that it is "very unlikely that the Organization, when duly informed, will take an ill-considered decision that has the effect of making the deficit even greater". Accordingly, the French delegation considers that the Committee "should, in the light of the foregoing observations, enter a zero against the item relating to repayment of the balances existing in 'surplus accounts' for ONUC and UNEF".

There are several important matters of principle involved in this position. The first is the implication that the Organization has the power, consistent with the Charter of the United Nations, the past resolutions of the General Assembly, and its own Financial Regulations, to ignore its liabilities to Member States. Merely stating that proposition is sufficient to dispose of it. While individual Member States may waive their own claims against the Organization, the Organization cannot cancel or ignore its financial liabilities to its Members. Would the French delegation concede that the Organization could properly cancel regular budget surplus account credits to Member States, including France, because the regular budget has a deficit—as it has?

Secondly, it is implied that the Organization, avoiding "an ill-considered decision" would refuse to recognize its surplus account liabilities to some 90 Member States which have paid their assessments because this "would . . . [make] even larger" the deficit created by the non-payment of assessments. We do not share this opinion of the probable attitude of the Organization. In any case, we do not consider that this Committee's evaluation of the financial situation should depend upon whether it results in a higher or a lower deficit figure.

Finally, it is implied that this Committee should disregard past resolutions of the General Assembly and the Financial Regulations and take an action contrary to these on the assumption that the Organization would be similarly so inclined. This also is a completely unacceptable proposition. The Committee, from the very outset, agreed that it must report facts as they exist under past General Assembly resolutions and the Financial Regulations and could not ignore these or purport to make new policy decisions.

E. In summary, it can be said simply that there are balances recorded in surplus accounts for ONUC and UNEF just as for the regular budget, that to the extent of \$17.9 million the surpluses recorded represent actual liabilities of the United Nations to Member States, and that accordingly they must be so reported by this Committee.

B. VIEWS OF THE DELEGATION OF FRANCE

Memorandum on "surplus accounts" submitted by the delegation of France on 17 March 1966^a

I. During the first session of the *Ad Hoc* Committee, there were two opposing views regarding the item "surplus accounts" in the United Nations balance sheet relating to UNEF and ONUC operations.

One argument was developed by a delegation in a memorandum dated 10 February 1966 [see part A, section 1, above].

^a Originally circulated as document A/AC.124/R.30 (original text: French).

According to this argument, there are "surplus accounts" for UNEF and ONUC which function in a similar way to those for the regular budget under regulation 5.2 of the Financial Regulations, and these "surplus accounts" constitute a liability of the United Nations to Member States which should be taken into consideration in determining the residual deficit as at 30 September 1965.

The other position, developed by the French representative, makes a distinction between the regular budget, the administration of which produces surpluses as a matter of course, and the exceptional UNEF and ONUC operations, in the case of which it is only in an unusual and artificial way that the books can show surplus accounts within the meaning of regulation 5.2 of the Financial Regulations.

The purpose of this memorandum is to explain the French position on this question.

II. First, with regard to the actual principle of "surplus accounts", as administered without difficulty in regular budget operations every year, there is no difference of opinion. The French delegation agrees with the analysis of the question in the beginning of the memorandum mentioned above. There are normally "surpluses" at the end of each financial year, when appropriations have not been fully utilized or unforeseen miscellaneous income is received in addition to contributions. These "surpluses" mean that there is a cash balance which should be returned to Member States, and which is credited to them in the form of a reduction in their subsequent contributions. In this way the United Nations avoids accumulating funds which, in the last analysis, belong to Member States. "Surplus accounts" are therefore consonant both with considerations of sound financial management and with principles of fairness to Member States.

The existence of "surplus accounts" as thus defined has nothing to do with whether or not the contributions assessed by the United Nations have been duly collected. The fact that some States pay their contributions late, or fail to pay them, does not affect the fact that other Member States have been over-assessed and is no obstacle to the repayment to those States of the excess of contributions collected from them.

In view of the foregoing, which surely no one could reasonably dispute, it is clear that the "surplus account" of \$2.4 million in the General Fund as at 30 September 1966 is in fact a debt owed by the Organization to the Member States.

III. With regard to the application of the above rules to the operations called UNEF and ONUC, it is necessary to bear in mind the differences between operations under the regular budget, for which these rules were established (regulation 5.2 of the Financial Regulations), and the UNEF and ONUC peace-keeping operations.

(a) The first difference—which is a difference of form—arises from the fact that special financial arrangements have been made for the latter operations.

Because of the very distinctive conditions under which expenditure on peace-keeping operations is incurred, the utilization of appropriations may extend over several years. In the case of UNEF and ONUC, the period of validity of expenditure authorizations was accordingly increased from two years—the normal period of validity of appropriations under the United Nations regular budget—to five years, as explained in paragraph 25 of the Secretary-General's report (A/AC.124/1). The result of this special financial procedure is that five years must pass before it becomes possible to determine the amount of unused appropriations for each financial year and to decide how they should be applied.

So far the Secretary-General has not disposed of any of the unused appropriations relating to UNEF and ONUC. The question how to apply these so-called "surplus accounts" has never arisen hitherto. Today, however, it does arise. In the case of UNEF, incidentally, the amount of unused appropriations is not very large (\$1.6 million as at 30 September 1965), whereas ONUC is responsible for the bulk of the so-called "surplus accounts" (\$32.2 million).

Moreover, it should be noted that the very idea of "surplus accounts" for peace-keeping operations apparently does not seem something to be taken for granted. While rule 103.3 of

the UNEF Financial Rules provides for the possibility of showing on the books "surplus accounts", the application of which is subject to special rules differing from those for the regular budget, no such arrangement has been made for ONUC. In his letter dated 14 December 1961,⁶ the Chairman of the Advisory Committee on Administrative and Budgetary Questions emphasizes this point and explains it as follows:

"The Advisory Committee is aware that there are valid reasons for this differentiation in that no surplus accounts exist for ONUC and that no other arrangements similar to those in UNEF Rule 103.3, sub-paragraph (c), which would presuppose the extended duration of ONUC, are considered called for at this time . . ."

Indeed, no arrangement of that kind appears to have been adopted since then.

For these various reasons, it must be recognized that operations under the regular budget and operations under the special peace-keeping accounts are subject to different financial rules. Hence it is not possible automatically to extend to the latter the system of "surplus accounts" established for the former or, in particular, to consider these "surplus accounts" as debts for which the United Nations is liable and which should be repaid automatically to Member States. In the absence of express provisions of the Financial Regulations of the United Nations permitting such an interpretation, it seems all the more pertinent to consider whether such an extension would be in the spirit of those Regulations.

(b) The second difference—which is a difference of substance and a vital one—is this: while the regular budget is normally financed from contributions by Member States and miscellaneous income and is balanced, the peace-keeping operations, considered from their inception onwards, are found to show an over-all deficit. For each of these two operations, the total of assessed contributions, voluntary contributions and miscellaneous income falls short of the obligations actually incurred, even if unpaid contributions are disregarded.

This means that, even supposing that all Member States had paid the contributions asked of them by the Secretary-General, there would still be a deficit which, according to the figures in the Secretariat's own document (A/AC.124/1), amounts to \$27.1 million for UNEF and \$80.7 million for ONUC, or \$107.8 million for the two operations together.

Faced with the difficulties, both practical and legal, which stood in the way of meeting all peace-keeping expenditure out of contributions, the Organization was obliged, from 1962 onwards, to make use of resources of an exceptional nature—that is to say, it had to borrow. Some delegations have disputed the existence of a deficit (this term being understood, in the traditional budgetary sense, to mean the difference between the expenditure incurred and the normal resources available to meet it) on the grounds that the Organization, by authorizing the issue of a loan, had provided for the resources necessary to meet expenditure not covered by contributions or miscellaneous income. If this argument was accepted, the question would arise in what circumstances the word "deficit" could be used. It is obvious that, if a State does not have enough normal resources to meet its expenditure, it is always obliged to issue loans or resort to some financial expedient of the same kind. It cannot be claimed that the budget of such a State is not in deficit. It is therefore not correct to say that, because the Organization has run itself into debt, there is no deficit.

This being so, it seems to run counter to common sense to suggest that, because some appropriations have not been fully utilized, the Organization has asked for too much, and must repay an excess of contributions for peace-keeping operations, at a time when those operations show a deficit of more than \$220 million—which, moreover, would still be more than \$100 million if all the contributions asked for had been paid.

The "surplus account" procedure is designed to obviate the accumulation of unnecessary funds. Its application to a period of deficit, when there is a shortage of funds, is contrary to the spirit of the Financial Regulations. The fact that there are unused appropriations means merely that the deficit is less

⁶ Circulated in document A/AC.124/R.2.

large than it might have been. It certainly does not mean that a corresponding amount of the contributions received would have to be repaid—a procedure which would have the immediate result of making the deficit even larger.

IV. Some delegations, without disputing the accuracy of the figures given above, have observed that in their opinion the proper course would be to set aside completely the twelve-month period (July 1962 to June 1963) during which the peace-keeping operations were financed by borrowing, and to consider separately each of the years or portions of years proceeding or following that period so as to show "surplus accounts" for them; the period of manifest budgetary deficit from July 1962 to June 1963 should in their opinion be dealt with by itself.

This proposal does not take into account the fact that, from the beginning to the end, the financial operations relating to ONUC were carried on under abnormal conditions, outside the rules laid down by the Financial Regulations and, in particular, the rules of annual budgeting. At certain times the Secretary-General had to borrow from various funds considerable sums (including development assistance funds) which he subsequently repaid. At other times he relied exclusively on the proceeds of the bond issue. The budget for the financial year 1961 was balanced only with the help of contributions assessed in 1962. For some other years, expenditure was financed partly by contributions and partly by borrowing. The use, successively or simultaneously, of various methods of financing has overlapped so much that it is artificial to try to assign a particular method of financing to a particular year or a particular expense to a particular source of financing.

In reality all these operations form one whole, and no purpose will be served by trying to divide it up into more or less arbitrarily selected portions. It was probably inevitable, in view of the nature of the operations, that financial orthodoxy should not be observed. The proper course now is to take note of that fact and, looking at past operations as a whole to draw up a cumulative balance-sheet for them as at 30 September 1965.

Any other way of judging the financing of the UNEF and ONUC operations would give misleading results. Even though the books may, retroactively, show a surplus for certain calendar years, action to repay these surpluses, when the operations to which they relate show an over-all deficit, would only make that deficit even greater. Such a step would undoubtedly be contrary to the spirit of the Financial Regulations, all whose provisions are designed specifically to prevent occurrence of a deficit.

V. The memorandum of a delegation dated 10 February 1966, to which we have already referred, argues, in order to justify the payment to Member States of the balances existing in the so-called "surplus accounts" mentioned above, that the General Assembly and the Board of Auditors have given their customary approval to the accounts for past financial years which the *Ad Hoc* Committee has before it, and that consequently it is not for the *Ad Hoc* Committee to take a position which would conflict with that of the Board of Auditors and the General Assembly.

This argument does not seem well founded.

The function of the auditors, on approving the accounts for the past financial year, is to verify that the accounts submitted to them are in accordance with the budgetary provisions and with the figures in the Controller's books. They cannot make, as the *Ad Hoc* Committee can, a qualitative examination of the figures. The auditors do not make such an examination, because it is not their function to pass judgement on the figures submitted to them except to check, in the light of the supporting documents supplied with the accounts, that the figures are properly in conformity with the records put before them and that the transactions to which they relate have in fact taken place.

The General Assembly has never, to the French delegation's knowledge, been called upon to deal with the problem of the use to be made of so-called "surplus accounts" of UNEF and ONUC. The fact that the General Assembly had taken note

of their presence among the accounts submitted to it, in a form which did not necessarily attract the Assembly's attention, would not afford sufficient grounds for affirming in good faith that the Assembly had taken an informed decision in the matter. Furthermore no delegation now disputes that the figure of \$33.8 million given in the accounts approved by the General Assembly needs to be revised. Again, the Secretary-General, in his report (A/AC.124/1, paras. 27 and 40), let it be clearly understood that there was still some uncertainty regarding the amount which should be returned to Member States by way of residual balances in the "surplus accounts".

It appears, therefore, that the question of the so-called "surplus accounts" of UNEF and ONUC has not been decided and that the Organization will have to take a decision on it.

Which body in the Organization will be competent to take that decision is not a matter for the *Ad Hoc* Committee to resolve. It is, on the other hand, the *Ad Hoc* Committee's bounden duty to unravel this question and to discuss it from the technical point of view.

The French delegation thinks that the Organization, enlightened by the discussions which have taken place on the "surplus accounts", should be in a position to take a reasonable decision on this still-disputed point. The French delegation, for its part, considers it very unlikely that the Organization, when duly informed, will take an ill-considered decision that has the effect of making the deficit even greater. The French delegation therefore considers that, in the statement of assets and liabilities as at 30 September 1965 which the Committee has undertaken to prepare, it should, in the light of the foregoing observations, enter a zero against the item relating to repayment of the balances existing in "surplus accounts" for ONUC and UNEF.

ANNEX V

Questions and observations by members of the *Ad Hoc* Committee on the Secretary-General's report entitled "Analysis of the finances of the United Nations" (A/AC.124/1), and replies by the Secretary-General

[Note. The numbers of paragraphs and annexes indicated in the sub-headings below correspond to those in the Secretary-General's report on which questions had been put or observations made.]

The documents symbols in the series A/AC.124/R.— mentioned below refer to the mimeographed documents of the *Ad Hoc* Committee.]

PARAGRAPH 3

Questions:

1. The representative of the Union of Soviet Socialist Republics requested a document stating the reasons for the very rapid increase in the budgetary expenditure of the United Nations, and the views of the Secretariat on the measures that might be taken to reduce expenditure in the future.

2. The representatives of the United Arab Republic and of Senegal wanted to know how much of that increase was attributable to aid to developing countries.

Reply:

3. The initial reply of the Secretary-General to these questions is contained in document A/6289/Add.2 (see annex VII below).

Question:

4. The representative of France inquired whether there was a risk that peace-keeping operations other than UNEF and ONUC, not taken into account by the Secretary-General in his report, might eventually cause a deficit to be borne by the Organization. Could the Secretariat give some assurance in the matter and furnish a document showing the balance-sheet of those operations?

Reply:

5. The Secretary-General explained in his reply (A/AC.124/R.7) that UNFICYP was the only current peace-keeping operation, other than UNEF and ONUC, that was being financed outside the regular budget. The information given regarding UNFICYP was the following:

	<i>United States dollars</i>
(a) Estimated costs from 27 March 1964 to 26 December 1965	41,500,000
Part A—operational costs	10,425,000
Part B—reimbursements to Governments	31,075,000
(b) Contributions pledged for this period	35,298,137
(c) Pledges paid for this period	19,698,199
(d) Disbursement for this period	17,822,269
Part A—operational costs as at 31 December 1965	5,683,596
Part B—reimbursements to Governments	12,138,673

6. The Organization was not involved in any financial risk arising from the presence of UNFICYP on the island because:

(a) Security Council resolution 186 (1964), of 4 March 1964, by its operative paragraph 6, provided that all costs pertaining to the Force were to be met, in a manner to be agreed upon by them, by the Governments providing the contingents and by the Government of Cyprus, with the provision that the Secretary-General may also accept voluntary contributions for that purpose;

(b) The Secretary-General has no authority to use funds other than the voluntary contributions received to meet costs pertaining to the Force;

(c) The Secretary-General has notified the Governments providing contingents to UNFICYP and the Security Council that he would not be in a position to reimburse Governments in full for their extra costs if sufficient voluntary contributions were not forthcoming.

PARAGRAPH 5

Question:

7. With regard to United Nations bonds, the representative of France asked: what was the amount of capital issued, in what currencies were the bonds payable, were they registered bonds or bearer bonds, were they freely transferable, what was the rate of amortization specified (amortization table to be annexed), and what countries held these bonds?

Replies:

8. The answers (A/AC.124/R.5 and Add.1 and A/AC.124/R.15/Corr.1) to these questions were as follows:

(a) The equivalent in United States dollars of United Nations bonds sold totalled \$169.9 million. Interest earned on the temporary investment of some of the proceeds from the sale of these bonds amounted to \$3.2 million.

(b) Paragraph 2 of the annex to General Assembly resolution 1739 (XVI) provides:

"2. Bonds may be issued expressed in United States dollars (hereinafter called dollars) and in such other currencies as the Secretary-General shall determine. The principal of, and interest on, any bond shall be payable in the currency in which such bond is expressed."

(c) The face of each United Nations bond sold states, *inter alia*:

"Any Bond may be transferred by the registered holder thereof at United Nations Headquarters upon presentation and surrender of such Bond for cancellation, accompanied by a proper instrument of assignment or transfer, and upon any such transfer a new Bond or Bonds of like tenor, of authorized denominations, expressed in the same currency and in an aggregate principal amount equal to the principal amount remaining outstanding and unpaid on the Bond so presented and surrendered, will be issued to the transferee; provided, however, that the United Nations shall not recognize any transfer unless the transferee is a Government or institution to which the Bonds were authorized to be offered by said resolution 1739 (XVI) of the General Assembly."

(d) Article 3 of United Nations Bond Regulations No. 1,^a issued pursuant to paragraph 9 of the annex to General Assembly resolution 1739 (XVI), provides:

"Article 3. Restrictions on transfer"

"The Bonds shall provide that the United Nations shall not recognize any transfer of any Bond unless the transferee is a Government or institution to which the Bonds were authorized to be offered by resolution 1739 (XVI) of the General Assembly."

(e) The rate of amortization is specified in paragraph 5 of the annex to General Assembly resolution 1739 (XVI). The interest and principal payments due on the United Nations bond issue would be as follows:

	<i>United States dollars</i>
1967	8,717,459
1968	8,650,926
1969	8,796,344
1970	8,737,981
1971	8,650,906
1972	8,652,046
1973	8,678,765
1974	8,719,685
1975	8,758,439
1976	8,672,740
1977	8,797,768
1978	8,719,019
1979	8,611,555
1980	8,713,383
1981	8,747,661
1982	8,661,378
1983	8,770,638
1984	8,674,765
1985	8,671,493
1986	8,663,257
1987	8,807,852
1988	2,522,576
1989	959,033
1990	62,421
TOTAL	186,418,090

(f) The countries holding United Nations bonds and the total amount held as well as the currencies in which they were issued are shown in table I (p. 25 below).

Questions:

9. The representative of the United States of America asked the Secretariat to prepare a paper showing the total contributions made by Member States for the period 1957 to 1965 apart from those relating to "voluntary programmes".

10. The representative of India asked, for additional information on voluntary contributions.

Reply:

11. The information furnished to the Committee (A/AC.124/R.21) will be found in table II (p. 27 below).

PARAGRAPHS 9-13

12. The French delegation observed that a reading of paragraphs 9 to 13, considered in isolation, might lead to an erroneous interpretation of the Secretary-General's report with regard to the importance to be attributed to the different causes of the Organization's deficits. These paragraphs, in fact, emphasized that one important cause of the deficit was the fact that certain States had not paid the assessments levied on them by the Organization; not until paragraph 20 was it indicated that another cause of the deficit was that no assessments were levied during a twelve-month period, from July 1962 to June 1963, with the result that a substantial part of the proceeds from the sale of United Nations bonds had to be utilized to finance the operations during that period.

13. Thus the Organization's budget deficit had two main causes: one was that certain countries had failed, for various

^a Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 62, document A/C.S/963, annex I.

reasons, to pay the assessments levied on them by the Organization; the other was that expenses not covered by normal resources, which had to be covered by means of a loan and other financial methods, had been authorized for the two operations, UNEF and ONUC.

14. The very figures communicated by the Secretary-General in tables II and III of his report indicated that the two causes of the deficit were of comparable importance: if all the assessments levied for ONUC and UNEF had been paid, the deficit of those two operations would have been \$107.8 million,

whereas the unpaid balance of assessments for contributions was \$116.2 million.

15. It was apparent that the two causes for the budget deficit for the UNEF and ONUC have appreciably identical effects.

16. For the sake of clarity, the figures leading to the above conclusions are given in detail in the following table, based on the information given in tables II and III of the Secretary-General's report:

	UNEF	ONUC	Total
<i>Millions of United States dollars</i>			
I. Budgetary position assuming that all assessments had been paid			
A. Resources:			
Assessments	130.4	241.5	371.9
Voluntary contributions	27.8	36.0	63.8
Miscellaneous income	1.4	10.0	11.4
TOTAL (A)	159.6	287.5	447.1
B. Obligations incurred	186.7	368.2	554.9
C. Deficit (I)	27.1	80.7	107.8
II. Deficit, unpaid assessments included			
B less A	27.1	80.7	107.8
Unpaid assessments	33.7	82.5	116.2
Deficit (II)	60.8	163.2	224.0
III. Cover for deficit (II)			
Unliquidated obligations	16.6	30.8	47.4
Working Capital Fund	4.7	—	4.7
United Nations Bond Account	29.9	143.2	173.1
United Nations Special Account	13.7	—	13.7
TOTAL (III)	64.9	174.0	238.9
IV. Net liquid assets	(4.1)	(10.8)	(14.9)
Difference (III) less (IV), equal to deficit	60.8	163.2	224.0

PARAGRAPH 12

Question:

17. The representative of France asked for a country-by-country breakdown of the amount of the unpaid balances of contributions and, with regard to UNEF and ONUC, for an over-all account of the total of assessments which were left unpaid for reasons of principle and those left unpaid for other reasons. The likelihood of collecting the unpaid contributions was not the same in the two cases. The representative of Canada also asked for detailed information on the unpaid assessed contributions.

Reply:

18. The reply given by the Secretary-General (A/AC.124/R.6) is contained in table III (p. 30 below).

Question:

19. The representative of France also asked the Secretary-General whether he could indicate to what extent, in his

opinion, certain unpaid contributions should be regarded as unrecoverable and others as recoverable.

Reply:

20. Committee was informed that it would be difficult for the Secretariat to determine the reasons why various countries had not paid their contributions. Some Governments had announced publicly that they would not pay theirs for reasons of principle, but the Secretariat was unaware of the reason for other arrears.

PARAGRAPH 17

Question:

21. The representative of Canada asked for detailed information on the net liquid assets of the United Nations.

Reply:

22. In response to this question the following analysis (A/AC.124/R.4) was offered:

Analysis of net liquid assets as at 30 September 1965

	General Fund (regular budget)	Special Account of UNEF	Ad Hoc Account for ONUC	Total
<i>Millions of United States dollars</i>				
A. Total net liquid assets				
Cash at banks, on hand and in transit	20.7	2.4	5.6	28.7
Short-term investments		4.1	1.6	5.7
TOTAL (1)	20.7	6.5	7.2	34.4

Analysis of net liquid assets as at 30 September 1965 (continued)

	General Fund (regular budget)	Special Account of UNEF	Ad Hoc Account for ONUC	Total
<i>Millions of United States dollars</i>				
Current accounts receivable:				
Due from trust funds	2.6		1.3	3.9
Imprest cash advances to field offices	2.5			2.5
Due from specialized agencies, UNICEF and the United Nations Joint Staff Pension Fund	0.5			0.5
Travel and salary advances	0.5			0.5
Advances to vendors	0.8	0.1		0.9
Advances for self-liquidating purposes ...	0.3		0.2	0.5
Due from and advances to Governments ..	0.5	0.2	7.2	7.9
Income due from sale of goods and services	0.7		0.6	1.3
Charges from field offices in transit	0.6	0.1		0.7
TOTAL (2)	9.0	0.4	9.3	18.7
Current accounts payable:				
Due to Tax: Equilization Fund	2.6			2.6
Due to Member States for staff assessment credits	5.3			5.3
Due to account for the construction of United Nations Building in Santiago, Chile	0.9			0.9
Due to trust funds and special accounts ..	6.0		0.4	6.4
Due to Governments	1.0	1.6	1.6	4.2
Voluntary contributions collected but not applied		1.0	1.8	2.8
Staff assessments credits withheld		0.1	0.8	0.9
Miscellaneous	1.0	0.1	1.1	2.2
TOTAL (3)	16.8	2.8	5.7	25.3
NET LIQUID ASSETS (total (1) plus total (2) less total (3))	12.9	4.1	10.8	27.8
B. Part of total net liquid assets in inconvertible currencies which may not be readily usable				
Cash at bank, on hand and in transit			5.0	5.0
Current accounts receivable			1.9	1.9
TOTAL			6.9	6.9
Less:				
Current accounts payable			1.4	1.4
Balance			5.5	5.5

23. In further explanation the Committee was informed that the major categories of current accounts receivable are:

(i) Amounts due from trust funds and special accounts for payments made on behalf of them, these trust funds and special accounts not having their own operational bank accounts for such payments; settlement of these debts with the General Fund UNEF and ONUC is made periodically;

(ii) Amounts due in current accounts from specialized agencies for payments made on their behalf; settlement, in general, is made quarterly;

(iii) Travel advances, salary advances, advances to vendors;

(iv) Amounts due in current accounts from Governments for telephone calls and other services, and for advance payments relating to contingents provided for peace-keeping operations;

(v) Amounts due in current accounts for the sale of goods and services, which sales were credited to miscellaneous income;

(vi) Imprest cash accounts with field offices which, due to the normal delay in accounts reporting and processing at Headquarters, are in effect not available in cash but represent expenditures which have not yet been recorded in the accounts of the Organization.

24. Category (iii) and the advance payments in category (iv) can be considered pre-payments or progress payments of expenditure. Appropriations, or expenditure authorizations in the case of UNEF and ONUC, have been encumbered for such expenditure by unliquidated obligations. The transformation from unliquidated obligation to cash expenditure will take place only after goods have been delivered and accepted (or services have satisfactorily been rendered) and invoices or claims for actual and acceptable cost have been received, accepted and processed. Category (v) represents the counterpart for the recording of income on an accrual basis. Categories (i), (ii) and the first part of (iv) result from financial services rendered to other funds, specialized agencies and delegations,

those in categories (i) and (ii) being rendered on a reciprocal basis.

25. Any collection of an account receivable will not affect cash expenditure or miscellaneous income but only change the composition of net liquid assets by increasing its cash component, decreasing its accounts receivable component, leaving the total unchanged.

26. As major categories of current accounts payable can be listed:

(i) Amounts due to trust funds and special accounts for payments made from the bank accounts of those trust funds and special accounts on behalf of the United Nations General Fund, UNEF and ONUC, and for monies received to their credit; these debts must be settled periodically, and the Organization has little choice as to the timing of such settlement;

(ii) Balances in numerous trust funds for which no separate bank accounts have been opened; they constitute in effect temporary borrowings and when any payments are to be made for these funds, the Organization has to provide for them promptly;

(iii) Debts to Governments because payments have been withheld for reason of (for instance) counter-claims in the process of being established;

(iv) Out-dated cheques and other payments temporarily withheld pending investigation and final decision as to disposition

27. Any settlement of an account payable will not increase cash expenditure but only change the composition of net liquid assets by decreasing its cash component, decreasing its accounts payable component, leaving the total unchanged.

PARAGRAPH 18

Questions:

28. The representative of France asked whether the part of the liquid assets which is payable in currency other than United States dollars included an amount in inconvertible currency. To what extent could this amount be used, if need be, for payment of the Organization's expenses?

29. The representative of Hungary asked why none of the amount equivalent to \$3.2 million offered by the Congolese Government had been used and why such large amounts had been converted into Congolese francs from other currencies.

Reply:

30. The answer given was that with the exception of some Congolese francs valued at between \$2.0 million and \$2.5 million, for which there was not foreseen a possibility of immediate use for purposes authorized by the General Assembly, there was no problem in connexion with any inconvertible currency included in the Organization's liquid assets.

31. It was reasonable to assume that a substantial part, if not all, of the voluntary contribution offered by the Congolese Government equivalent to the amount of \$3.2 million had been utilized. The accumulation of Congolese francs was not due to conversion of other currencies. It arose from the fact that at the end of the military phase of the operation, the United Nations had had in its possession a substantial quantity of vehicles, aircraft, food, medical and other supplies, much of which had been sold for Congolese francs. The Organization had also received from the Congolese Government an amount equivalent to over \$1 million in refund of customs duties on aviation fuel and lubricants for vehicles. A profit of over \$1 million in Congolese francs had also been earned on the PX and commissary operations. Those three factors accounted for a substantial part of the equivalent of \$5.5 million on hand.

PARAGRAPH 19

Questions:

32. The representative of France asked whether the status of the debts owed by the United Nations to individuals or Governments, as given by the Secretary-General in his report, should be regarded as not subject to any modification. In particular, was there any risk of the appearance of further

creditors with claims against the Organization, for example, for war damage? On the other hand, had not too high a valuation been placed on some of the debts?

Reply:

33. The answer given was that the Secretary-General's estimates had been prepared as carefully and accurately as possible, using the experience acquired by the Secretariat in dealing with the reimbursement of claims with respect to UNEF. The final figure might be slightly higher or lower, but the margin of error was not large. It was possible that the settlement of non-governmental debts might be effected at a slightly lower cost than indicated. It was also possible that other claims might arise in the future, for example, concerning death or disability attributed to service in the Congo or the Middle East.

PARAGRAPH 20

Question:

34. The representative of France asked what the "miscellaneous income received" in respect of UNEF and ONUC consisted of.

Reply:

35. The following information was provided (A/AC.124/R.3) in response to this question:

Analysis of miscellaneous income relating to UNEF and ONUC from inception until 30 September 1965

	UNEF	ONUC
	(Millions of United States dollars)	
Exchange gain on currencies	0.2	1.2
Proceeds from sale of surplus equipment ..	0.2	5.2
Refund of prior year's expenditures	0.4	3.0
Interest earned	0.2	—
Other miscellaneous income	0.4	0.6
	TOTAL	1.4 10.0

PARAGRAPH 21

Question:

36. The representative of Canada requested information as to the amounts which might be considered due to individual member countries from the UNEF and ONUC surplus accounts.

Reply:

37. In response to this request the Secretary-General prepared a statement (A/AC.124/R.20) of how the amounts recorded as at 30 September 1965 in UNEF and ONUC surplus accounts might, on the basis of certain assumptions, be apportioned among Member States and be credited to the United Nations Bond Account. This statement appears in table IV (p. 33 below).

38. In transmitting the statement to the *Ad Hoc* Committee, the Secretary-General made the following observations:

(a) In the light of the discussion in the *Ad Hoc* Committee at the time it made the request of the Secretariat, it would be understood, of course, that in presenting the statement the Secretariat was not attempting to prejudge the Committee's decision on the Organization's liability, nor was it making any recommendation that the balances in the UNEF and ONUC surpluses accounts should be apportioned in the manner indicated below.

(b) It was assumed for the purposes of the statement that the amount to be apportioned amounted to \$33.5 million recorded as at 30 September 1965 as the ONUC balance in surplus account (\$32.2 million) and the UNEF miscellaneous income (\$1.3 million) through 31 December 1964. As regards UNEF, the arrangements authorized by the General Assembly as quoted in paragraph 25 of the Secretary-General's report (A/AC.124/1) made it reasonable to limit the apportionment to miscellaneous income through 31 December 1964, leaving the unencumbered balance of appropriations (\$0.2 million) available for possible further obligations. It should be recog-

nized, of course, that on the one hand the continuing liquidation expenses for ONUC were being financed from part of the ONUC surplus and on the other hand the ONUC surpluses would be increased as a result of any savings realized in the settlement of the unliquidated obligations shown in the accounts as at 30 September 1965 and by any further miscellaneous income

(c) The apportionment of the \$32.2 million of ONUC surplus and \$1.3 million of UNEF miscellaneous income was based on the assumption that the UNEF and ONUC surplus of each year, as recorded in the accounts at 30 September 1965, was shared proportionately among the sources which the General Assembly decided were to finance in full its expenditure authorization for that year. In that connexion, UNEF and ONUC sources of financing had included, in addition to assessments on Member States, voluntary contributions required from Member States, and financing from the United Nations Bond Account for the period 1 July 1962 to 30 June 1963. The method of crediting Member States one or two years later for regular budget surplus on the basis of the scale of assessment then applicable would not appear to be equitable in the case of UNEF and ONUC financing from year to year. Hence, it had been assumed that any apportionment of UNEF and ONUC surplus relating to a particular year should be applicable to the financial resources of that same year.

(d) In the statement, the calculated UNEF and ONUC credits following the above-mentioned method were shown in total for each Member State and in total for each year. A summary of the outcome of these calculations is given below:

	<i>Balance in surplus account</i>		
	<i>UNEF</i>	<i>ONUC</i>	<i>Total</i>
	<i>(Millions of United States dollars)</i>		
Credits to:			
Member States for paid assessments ..	0.7	12.1	12.8
Member States for voluntary contributions paid and applied as credits to income	0.1	2.6	2.7
SUB-TOTAL	0.8	14.7	15.5
Member States for unpaid assessments	0.3	6.4	6.7
Voluntary contributions required but either uncollected or collected and unapplied	—	0.2	0.2
United Nations Bond Account	0.2	10.9	11.1
TOTAL	1.3	32.2	33.5

(e) If the above method of apportionment were adopted, only \$15.5 million would require a disposition; the other credits would represent no more than bookkeeping entries reducing unpaid assessments and voluntary contributions yet required, and a refund to and refinancing from the United Nations Bond Account for the same amount ("in and out").

PARAGRAPH 25

Question:

39. The representative of France asked for the complete texts of the "arrangements" authorized by the General Assembly with regard to the financial procedures applicable to UNEF and ONUC.

Reply:

40. The Committee was informed (A/AC.124/R.2) that the full text of the rule promulgated by the Secretary-General in the case of UNEF read as follows:

"Rule 104.3. The accumulated credits in this surplus account may be applied, provided the total expenditure authorizations voted by the General Assembly are not thereby exceeded, to cover obligations in respect of reimbursements to Governments for the extra and extraordinary costs they have incurred up to 31 December 1964 in providing contingents and matériel to the Force; to the extent that such reimbursements have not previously been obligated against expenditure authorizations voted by the General Assembly.

Any balance of accumulated credits in the surplus account not required for the above purpose shall be utilized in the first instance in repayment of any advances and loans made to the Special Account from other funds under the custody and control of the Secretary-General, and, in the second instance, utilized in a manner authorized by the General Assembly."

41. The arrangement established for ONUC was as set forth in the following memorandum addressed to the Secretary-General by the Chairman of the Advisory Committee on Administrative and Budgetary Questions on 14 December 1961 in reply to a note which had been submitted to the Committee for consideration:

"The Advisory Committee notes that it is considered desirable that, pending the possible establishment of special financial rules for the ONUC Special Account, the arrangements for liquidation of ONUC obligations should be the same as those approved for UNEF obligations in rule 103.3, sub-paragraph (b), of the UNEF Financial Rules. Accordingly, the following procedure is proposed:

"The authorizations, including those previously voted by the General Assembly, to the extent they are required to discharge obligations in respect of goods supplied and services rendered in the financial period and to liquidate any other outstanding legal obligation of that period, shall remain available for five years following the end of the financial period to which they relate. At the end of the five-year period, the remaining balance will be surrendered. Any unliquidated prior-year obligation shall, at that time, be cancelled."

"The Advisory Committee observes that the above procedure differs from that laid down for UNEF (article 103.3, sub-paragraphs (b) and (c), of the UNEF Financial Rules contained in document ST/SGB/UNEF/2/Rev.2^a, of 30 December 1960) in that in the case of the latter (1) any unexpended balance of authorizations at the end of the five-year period shall be credited to a surplus account in accordance with rule 104.2, and (2) any unliquidated obligations at the end of such period shall be cancelled, or when the obligation remains a valid charge, transferred as an obligation against current authorizations.

"The Advisory Committee is aware that there are valid reasons for this differentiation in that no surplus account exists for ONUC and that no other arrangements similar to those in UNEF rule 103.3, sub-paragraph (c), which would presuppose the extended duration of ONUC, are considered called for at this time. In view of the fact, however, that valid claims, such as claims from Governments for reimbursement of extra and extraordinary costs may conceivably be involved, the Advisory Committee trusts that the implementation of the procedure proposed for the ONUC Special Account will not preclude in any way the due settlement of such claims even after the five-year period has elapsed."

PARAGRAPH 31

Question:

42. The representative of India requested information concerning the payment of contributions since 30 September 1965.

Reply:

43. The data provided to the Committee (A/AC.124/R.11) in response to this question appears in table V (p. 41 below).

ANNEXES II AND III

44. The French delegation, referring to the financial year 1961 with regard to ONUC (annex III), observed that, far from revealing a surplus, as indicated by the Secretary-General in table III of his report, where the surplus is given as \$6.1 million, that year actually closed with a deficit in the accounts.

45. According to annex III, the obligations incurred for that financial year (line 22) amounted, in fact, to \$114 million, while the resources provided for the same financial year amounted to less than this: the assessments (line 26) amounted to \$84.7 million, the voluntary contributions (line 32) to \$15.3

^a Mimeographed.

million, and the miscellaneous income (line 3) to \$0.3 million, making a total of \$100.3 million.

46. Comparison of these figures (\$114 million of obligations incurred and \$100.3 million of resources provided) revealed a deficit of \$13.7 million in the accounts for the financial year 1961.

47. It was not until 1962, as indicated by foot-note 2 to the aforementioned annex III and confirmed orally by the representative of the Secretariat, that assessments were made for supplementary resources and applied retroactively to the year 1961 to meet the short-fall in income.

48. Under these circumstances, the representative of France doubted whether any great value should be attached to the subdivision of the financial execution of peace-keeping operations into calendar years. This subdivision became relatively insignificant at the accounting level when it was possible to assign a certain amount of income retroactively to a given financial year without paying any attention to the actual date at which the income in question had been assessed.

49. Under these circumstances, the only way to arrive at a valid judgement concerning the financial outcome of these two operations was to ignore the subdivision into calendar years, which was arbitrary in the present case, and to consider the total amount expended for each of the two peace-keeping operations.

ANNEXES IV AND V

Questions:

50. The representative of France asked the following questions:

(a) What is the remuneration paid to soldiers of different nationalities employed by the United Nations for UNEF and ONUC, and what are the various elements making up this remuneration, that is, the amount paid by the countries of which the military personnel are nationals (if this is known to the Organization), the part of this amount which is reimbursed by the United Nations to the countries of which the military personnel are nationals, and the part paid by the Organization directly to the military personnel it employs?

(b) What is the troop strength of the various national contingents employed by the Organization, year by year?

(c) Has all of the remuneration paid by the Organization to the international civilian staff assigned to the peace-keeping forces been recorded in the UNEF and ONUC accounts, or do the entries in these accounts include only the extraordinary expenditure in excess of the normal staff expenditure recorded in the regular budget of the United Nations?

(d) With regard to section III (Maintenance and operation of equipment), may it be supposed that the proceeds from the liquidation of ONUC surplus equipment will cover the expenses remaining to be paid for the liquidation of ONUC, and even that the sale of this surplus equipment might result in a balance which could become an element of United Nations assets?

(e) Has the provisioning of the contingents dispatched by Governments to serve in peace-keeping operations been paid in part by any of these Governments, which ordinarily furnish rations to their troops irrespective of where they are employed, or has the cost of provisioning been borne entirely by the Organization?

51. The representative of Hungary asked how expenditure for UNEF and ONUC was divided among Governments and among private enterprises. He asked what types of expenditure were included, who had determined how they were to be classified, what categories of expenditure were borne by the Governments which provided the United Nations with troops and what was the break-down of unliquidated obligations?

52. The representative of Canada also asked for details concerning the unliquidated obligations in the UNEF and ONUC accounts.

Replies:

53. The answers given to the questions asked by the representative of France were the following (A/AC.124/R.16):

(a) The Secretariat has no information regarding the total remuneration paid to soldiers of different nationalities who have served in UNEF and ONUC, since the Organization reimburses the Governments providing contingents only for "extra and extraordinary costs relating to pay and allowances", which vary from Member to Member. In some cases the national contingents are part of the regular army of the Government, and in those cases the United Nations does not reimburse the Government for the basic pay and allowances which the soldiers would have received in any event by serving at home in their Government's armed forces. However, it is customary for troops and officers serving outside their countries to receive certain extra overseas or foreign service allowances; the United Nations considers such allowances as "extra costs" to a Government contributing troops to UNEF or ONUC, and repays those extra costs to the Government. In UNEF and ONUC some national contingents consisted of troops specially recruited from civilian pursuits. In those cases the United Nations reimbursed the Government concerned for the base pay and allowances as well as the special or foreign service allowances because the soldiers' total remuneration represented an extra cost to the Government. The only direct payment by the United Nations to the military personnel who served in UNEF or ONUC were local currency payments amounting to the equivalent of \$0.86 and \$1.30 per day in United States currency to all military members of the Force regardless of rank. These payments were made in order that the members of the Force could purchase certain personal amenities, such as toilet articles and beverages.

(b) The troop strength of the various national contingents in UNEF and ONUC are shown year by year at year end in tables VI and II (pp. 41 and 42 below).

(c) All the remuneration paid by the Organization to the international civilian staff assigned to UNEF and ONUC has been recorded in the Special Account of UNEF and the *Ad Hoc* Account for ONUC.

(d) The proceeds from the liquidation of ONUC surplus equipment has been taken into the ONUC accounts as miscellaneous income and this income is sufficient to cover the expenses remaining to be paid for the liquidation of ONUC. To the extent that a balance of such miscellaneous income is not required to cover liquidation costs, it forms part of the assets recorded in the ONUC accounts.

(e) Under the basic principles adopted by the General Assembly, the United Nations has provided rations to members of the UNEF and ONUC forces as part of the operating costs to the Organization. In certain cases the Government concerned may provide certain supplemental rations at their own expense to the members of their contingents.

54. The following information was provided (A/AC.124/R.18) in response to the questions asked by the representative of Hungary:

(a) The Organization has purchased supplies and services required for UNEF and ONUC on the most advantageous terms possible, either from private enterprises or from Governments. Information regarding the types of expenditure paid directly by the United Nations was to be found in the appendix to the report of the Secretary-General (A/AC.124/1).

(b) The total disbursements made to Member States from the Special Account of UNEF and the *Ad Hoc* Account for ONUC as at 30 September 1965 were as indicated in the following statements. The amounts of disbursements shown include in the case of certain Member States the amounts recorded in accounts receivable representing advances made to them against their UNEF or ONUC claims pending final settlement, and the cost of goods sold or services rendered to them by ONUC. Disbursements also include in the case of certain Member States the amounts recorded in accounts payable which have not yet been actually disbursed to them.

UNEF

Total disbursements to Member States as at 30 September 1965

Member State	Amount of disbursements	Remarks
	Thousands of United States dollars	
Brazil	18,291	
Canada	15,770	Included in the amount shown is an amount of \$1,047,133 recorded in accounts payable which has not yet been disbursed to Canada
Colombia	1,417	
Denmark	9,847	
Finland	846	
India	5,958	
Indonesia	250	
Norway	9,165	
Sweden	15,962	(a) Included in the amount shown is an amount of \$246,176 recorded in accounts payable which has not yet been disbursed to Sweden; (b) Included in the amount shown is an amount of \$229,992 advanced to Sweden against its UNEF claims pending settlement
United States of America	8,070	Included in the amount shown is an amount of \$294,250 recorded in accounts payable which has not yet been disbursed to the United States
Yugoslavia	7,398	
	<u>TOTAL</u> 92,974	

ONUC

Total disbursements to Member States as at 30 September 1965

Member State	Amount of disbursements	Remarks
	Thousands of United States dollars	
Argentina	586	
Austria	1,074	
Brazil	1,643	
Canada	6,102	Included in the amount shown is an amount of \$957,755 recorded in accounts payable which has not yet been disbursed to Canada
Ceylon	6	
Denmark	2,339	
Ecuador	6	
Ethiopia	11,368	Included in the amount shown is an amount of \$5,835,728 advanced to Ethiopia against its ONUC claims pending settlement
Ghana	171	The amount shown represents the cost of goods and services which ONUC supplied to Ghana
Greece	44	
Guinea	282	
India	8,406	
Indonesia	3,813	
Iran	—	
Ireland	5,165	
Italy	2,660	Included in the amount shown is an amount of \$522,061 representing advances made to Italy against its ONUC claims pending settlement and the cost of goods which ONUC supplied to Italy
Liberia	455	
Malaysia	238	Included in the amount shown is an amount of \$32,300 advanced to Malaysia against its ONUC claims pending settlement
Mali	46	
Morocco	2,106	
Netherlands	345	
Nigeria	1,926	
Norway	3,844	
Pakistan	222	
Philippines	—	

ONUC (continued)

Total disbursements to Member States as at 30 September 1965 (continued)

Member State	Amount of disbursements	Remarks
	Thousands of United States dollars	
Senegal	—	
Sierra Leone	44	
Sudan	346	
Sweden	20,033	Included in the amount shown is an amount of \$642,823 recorded in accounts payable which has not yet been disbursed to Sweden
Tunisia	2,723	
United Arab Republic	334	
United Kingdom of Great Britain and Northern Ireland	3,126	
United States of America	45,303	Included in the amount shown is an amount of \$602,446 representing the cost of goods and services which ONUC supplied to the United States
Yugoslavia	40	
TOTAL	124,796	

55. The following information was provided (A/AC.124/R.10) in response to a question asked by the representative of Canada concerning the estimated unliquidated obligations in the UNEF and ONUC accounts.

56. The breakdown of unliquidated obligations recorded in the UNEF and ONUC accounts as at 30 September 1965 was as follows:

UNEF

Estimated unliquidated obligations due to Member States as at 30 September 1965

Member State	Estimated unliquidated obligations	Remarks
	Thousands of United States dollars	
Brazil	218	
Canada	2,270	Also due to Canada is an amount of \$1,047,133 representing UNEF claims approved for reimbursement which are recorded in accounts payable pending disbursement
Denmark	4,135	
India	1,205	
Norway	3,425	
Sweden	2,160	(a) Also due to Sweden is an amount of \$246,176 representing UNEF claims approved for reimbursement which are recorded in accounts payable pending disbursement; (b) For eventual offset against the estimated unliquidated obligations due to Sweden is an amount of \$229,992 recorded in accounts receivable as due from Sweden representing advances it received against its UNEF claims pending settlement
United States of America	450	Also due to the United States is an amount of \$294,250 representing UNEF claims approved for reimbursement which are recorded in accounts payable pending disbursement
Yugoslavia	1,460	
Undistributed obligations in respect of death and disability awards	333	
TOTAL	15,656	Accounts payable: \$1,587,559 Accounts receivable: \$229,992

ONUC

Estimated unliquidated obligations due to Member States as at 30 September 1965

Member State	Estimated unliquidated obligations	Remarks
	<i>Thousands of United States dollars</i>	
Austria	49	
Brazil	8	
Canada	766	Also due to Canada is an amount of \$957,755 representing ONUC claims approved for reimbursement which are recorded in accounts payable pending disbursement
Denmark	200	
Ethiopia	7,520	For eventual offset against the estimated unliquidated obligations due to Ethiopia is an amount of \$5,835,728 recorded in accounts receivable as due from Ethiopia representing advances it received against its ONUC claims pending settlement
Ghana	1,390	For eventual offset against the estimated unliquidated obligations due to Ghana is an amount of \$171,197 recorded in accounts receivable as due from Ghana for goods and services rendered by ONUC
India	3,625	
Indonesia	608	
Iran	25	
Ireland	160	
Italy	1,915	For eventual offset against the estimated unliquidated obligations due to Italy is an amount of \$522,061 recorded in accounts receivable as due from Italy representing goods rendered by ONUC and advances Italy received against its ONUC claims pending settlement
Liberia	225	
Malaysia	1,840	For eventual offset against the estimated unliquidated obligations due to Malaysia is an amount of \$32,300 recorded in accounts receivable as due from Malaysia representing advances it received against its ONUC claims pending settlement
Nigeria	955	
Norway	340	
Pakistan	320	
Philippines	90	
Senegal	105	
Sudan	2	
Sweden	725	Also due to Sweden is an amount of \$642,823 representing ONUC claims approved for reimbursement which are recorded in accounts payable pending disbursement
Tunisia	24	
United Arab Republic	125	
United States of America	5,121	For eventual offset against the estimated unliquidated obligations due to the United States is an amount of \$602,446 recorded in accounts receivable as due from the United States for goods and services rendered by ONUC
TOTAL	26,138	Accounts payable: \$1,600,578 Accounts receivable: \$7,163,732

Table I
SALE OF UNITED NATIONS BONDS

	<i>Bond No.</i>	<i>Unamortized</i>	<i>Amortized</i>	<i>Total amount of bonds sold</i>
<i>United States dollars</i>				
A. Member State				
Afghanistan	26	22,625	2,375	25,000
Australia	11	3,620,000	380,000	4,000,000
Austria	60	843,300	56,700	900,000
Belgium	99	1,200,000	—	1,200,000
Burma	38	90,500	9,500	100,000
Cambodia	80	4,685	315	5,000
Cameroon	34	8,660	909	9,569
Canada	27	5,647,200	592,800	6,240,000
Ceylon (Ceylon rupees 108,600) ..	30	22,806	2,394	25,200
China	41	452,500	47,500	500,000
Cyprus	69	24,526	1,649	26,175
Denmark	3	2,262,500	237,500	2,500,000
Denmark	94	3,246,150	103,850	3,350,000
Ethiopia	96	187,400	12,600	200,000
Finland	2	1,339,400	140,600	1,480,000
Ghana	74	93,700	6,300	100,000
Greece	22	9,050	950	10,000
Honduras	45	9,050	950	10,000
Iceland	4	72,400	7,600	80,000
India	49	1,874,000	126,000	2,000,000
Indonesia	21	181,000	19,000	200,000
Iran	55	234,250	15,750	250,000
Iran	86	242,250	7,750	250,000
Iraq	75	93,700	6,300	100,000
Ireland	12	271,500	28,500	300,000
Israel	5	181,000	19,000	200,000
Italy	6	8,108,800	851,200	8,960,000
Ivory Coast	24	54,300	5,700	60,000
Jamaica	68	18,740	1,260	20,000
Japan	52	4,685,000	315,000	5,000,000
Jordan	15	22,625	2,375	25,000
Jordan	70	46,850	3,150	50,000
Kuwait	19	905,000	95,000	1,000,000
Lebanon	37	7,486	785	8,271
Liberia	87	53,905	1,724	55,629
Liberia	90	139,896	4,475	144,371
Libya	67	23,425	1,575	25,000
Luxembourg	44	90,500	9,500	100,000
Malaysia	20	307,700	32,300	340,000
Mali	66	18,740	1,260	20,000
Mauritania (CFA francs 905,000) ..	51	3,693	388	4,081
Morocco	39	253,400	26,600	280,000
Morocco	91	116,280	3,720	120,000
Netherlands	29	621,735	65,265	687,000
Netherlands	48	1,249,021	83,979	1,333,000
New Zealand (£161,089/7/2) ...	13	451,104	47,354	498,458
New Zealand (£66,928/11/6) ...	54	187,422	12,602	200,024
New Zealand (£33,447/11/4) ...	58	93,702	6,298	100,000
New Zealand (£33,464/5/10) ...	62	93,699	6,301	100,000
New Zealand (£33,464/5/10) ...	63	93,699	6,301	100,000
Nigeria	42	905,000	95,000	1,000,000
Norway	1	1,629,000	171,000	1,800,000
Norway	93	3,779,100	120,900	3,900,000
Pakistan	50	468,500	31,500	500,000
Philippines	71	702,750	47,250	750,000

Table I (continued)

SALE OF UNITED NATIONS BONDS (continued)

	Bond No.	Unamortized	Amortized	Total amount of bonds sold
<i>United States dollars</i>				
Saudi Arabia	65	18,740	1,260	20,000
Sierra Leone (£9,050)	23	25,343	2,660	28,003
Sudan	8	45,250	4,750	50,000
Sweden	7	5,249,000	551,000	5,800,000
Sweden	92	8,401,230	268,770	8,670,000
Thailand	57	144,800	15,200	160,000
Togo	9	9,050	950	10,000
Trinidad and Tobago	79	8,199	551	8,750
Tunisia	14	438,925	46,075	485,000
Turkey	78	93,700	6,300	100,000
Uganda (£3,341/16/3)	76	9,367	629	9,996
United Arab Republic (E£101,848.15/2)	84	234,241	15,749	249,990
United Kingdom of Great Britain and Northern Ireland (£3,876,840/14/0)	32	10,856,457	1,139,628	11,996,085
United Republic of Tanzania ..	72	2,624	176	2,800
United States of America	33	39,913,215	4,189,785	44,103,000
United States of America	43	14,090,705	1,479,135	15,569,840
United States of America	53	5,193,791	349,209	5,543,000
United States of America	64	6,422,275	431,807	6,854,082
United States of America	82	3,208,264	215,711	3,423,975
United States of America	88	745,528	23,851	769,379
Venezuela	59	281,100	18,900	300,000
Yugoslavia	47	90,500	9,500	100,000
Yugoslavia	56	93,700	6,300	100,000
TOTAL		142,941,228	12,654,450	155,595,678
B. Non-member State				
Federal Republic of Germany ..	28	9,050,000	950,000	10,000,000
Federal Republic of Germany ..	77	1,874,000	126,000	2,000,000
Republic of Korea	40	362,000	38,000	400,000
Republic of Viet-Nam	18	9,050	950	10,000
Switzerland	36	1,719,500	180,500	1,900,000
TOTAL		13,014,550	1,295,450	14,310,000
GRAND TOTAL		155,955,778	13,949,900	169,905,678

Note. The amount of the unamortized portion of the bonds payable in currencies other than United States dollars is shown above and enclosed with brackets.

Table II
TOTAL CONTRIBUTIONS OF MEMBER STATES 1957-1965

Member State	1 United Nations regular budget (Payments received, 1957-1965)	2 Special Account of UNEF (Payments received, 1957-1965)	3 Ad Hoc Account for ONUC (Payments received, 1960-1965)	4 Voluntary contributions		6 Contributions to United Nations Special Account	7 Total of Payments (columns 1-6)	8 Additional advances to Working Capital Fund	9 Income from sale of United Nations bonds
				Special Account of UNEF	Ad Hoc Account for ONUC				
Afghanistan	300,224	15,333	9,186	—	—	—	324,743	8,000	25,000
Albania	183,645	—	—	—	—	—	183,645	16,000	—
Algeria	170,013	14,523	26,179	—	—	—	210,715	40,000	—
Argentina	5,293,244	52,726	746,646	—	—	—	6,092,616	148,000	—
Australia	9,382,018	2,323,921	4,761,681	293,064	128,500	—	16,889,184	304,000	4,000,000
Austria	2,324,219	557,971	1,209,387	18,300	34,900	—	4,144,777	180,000	900,000
Belgium	6,722,305	1,676,776	3,451,059	68,553	—	—	11,918,693	204,000	1,200,000
Bolivia	201,045	7,345	8,769	—	—	—	217,159	6,000	—
Brazil	4,264,300	941,548	454,207	—	—	—	5,660,055	172,000	—
Bulgaria	844,352	—	—	—	—	—	844,352	80,000	—
Burma	439,971	84,470	63,747	3,250	—	—	591,438	6,000	100,000
Burundi	—	—	—	—	—	—	—	—	—
Byelorussian Soviet Socialist Republic	2,403,743	—	—	—	—	—	2,403,743	102,000	—
Cambodia	222,512	36,068	43,602	—	—	—	302,182	16,000	5,000
Cameroon	143,744	14,467	26,390	—	—	—	184,601	16,000	9,569
Canada	17,305,349	4,296,205	8,574,757	433,764	263,000	—	30,873,075	522,000	6,240,000
Central African Republic	148,172	8,449	18,736	—	—	—	175,357	16,000	—
Ceylon	536,256	92,478	80,706	5,000	—	—	714,440	36,000	25,200
Chad	114,192	4,206	15,492	—	—	—	133,890	16,000	—
Chile	1,439,217	122,200	—	—	—	—	1,561,417	38,000	—
China	27,656,559	350,000	150,000	—	—	—	28,156,559 ^d	704,000	500,000
Colombia	1,307,454	292,621	242,426	—	—	—	1,842,501	22,000	—
Congo (Brazzaville)	85,238	8,745	16,452	—	—	—	110,435	16,000	—
Congo (Democratic Republic of the)	186,559	15,583	37,579	—	3,200,000	—	3,439,721	28,000	—
Costa Rica	179,976	24,218	20,000	—	—	—	224,194	8,000	—
Cuba	1,025,608	27,000	—	—	—	—	1,052,608	28,000	—
Cyprus	147,292	10,705	25,325	—	—	—	183,322	16,000	26,175
Czechoslovakia	4,531,113	—	—	—	—	—	4,531,113	232,000	—
Dahomey	93,533	8,112	18,331	—	—	—	119,976	16,000	—
Denmark	3,274,310	853,433	1,626,247	85,212	50,286	1,000,000	6,889,488	88,000	5,850,000
Dominican Republic	191,923	32,348	—	3,250	—	—	227,521	10,000	—
Ecuador	268,578	46,487	46,752	—	—	—	361,817	14,000	—
El Salvador	223,136	41,688	22,013	—	—	—	286,837	4,000	—
Ethiopia	334,445	65,085	34,365	—	—	—	433,895	(4,000)	200,000
Finland	2,097,702	438,038	1,003,887	15,121	26,879	—	3,581,627	148,000	1,480,000
France	30,460,822	7,852,543	—	440,500	—	—	38,753,865	1,130,000	—
Gabon	118,172	10,705	25,324	—	—	—	154,201	16,000	—
Gambia	—	—	—	—	—	—	—	—	—
Ghana	439,441	67,342	67,522	—	—	—	574,305	36,000	100,000
Greece	1,176,650	212,950	195,015	6,500	—	—	1,591,115	48,000	10,000
Guatemala	281,841	41,472	4,186	—	—	—	327,499	6,000	—
Guinea	160,741	11,185	33,664	—	—	—	205,590	16,000	—
Haiti	144,791	15,876	—	—	—	—	160,667	8,000	—
Honduras	191,757	30,346	17,739	—	—	—	239,842	8,000	10,000
Hungary	2,175,245	—	—	—	—	—	2,175,245	204,000	—

Table II (continued)
TOTAL CONTRIBUTIONS OF MEMBER STATES 1957-1965 (continued)

Member State	1 United Nations regular budget (Payments received, 1957-1965)	2 Special Account of UNEF (Payments received, 1957-1965)	3 Ad Hoc Account for ONUC (Payments received, 1960-1965)	4 Voluntary contributions		6 Contributions to United Nations Special Account	7 Total of Payments (columns 1-6)	8 Additional advances to Working Capital Fund	9 Income from sale of United Nations bonds
				Special Account of UNEF	Ad Hoc Account for ONUC				
Iceland	227,981	47,216	43,136	—	—	—	318,333	8,000	80,000
India	12,831,829	2,541,781	3,128,437	—	—	—	18,502,047	162,000	2,000,000
Indonesia	2,263,489	433,865	390,341	—	—	—	3,087,695	68,000	260,000
Iran	1,029,683	208,953	173,973	—	—	—	1,412,609	20,000	500,000
Iraq	376,367	12,000	75,744	—	—	—	464,111	10,000	100,000
Ireland	762,595	183,389	198,512	15,000	8,000	—	1,167,496	56,000	300,000
Israel	768,162	148,934	122,789	—	—	—	1,039,885	26,000	200,000
Italy	12,256,356	2,622,190	6,181,560	118,577	—	—	21,178,683	896,000	8,960,000
Ivory Coast	131,666	12,807	29,841	—	—	—	174,314	16,000	60,000
Jamaica	117,913	10,728	13,091	—	—	—	141,732	20,000	20,000
Japan	12,194,040	2,568,083	3,608,461	124,980	115,352	—	18,610,916	908,000	5,000,000
Jordan	196,165	—	—	—	—	—	196,165	16,000	75,000
Kenya	—	3,717	4,081	—	—	—	7,798	16,000	—
Kuwait	81,520	8,829	9,938	—	—	—	100,287	16,000	1,000,000
Laos	196,169	36,068	33,915	—	—	—	266,152	16,000	—
Lebanon	283,018	25,240	30,287	—	—	—	338,545	10,000	8,271
Liberia	193,012	32,588	30,566	4,000	—	—	260,166	8,000	200,000
Libya	196,165	39,830	43,602	—	—	—	279,597	16,000	25,000
Luxembourg	290,012	71,631	72,844	—	—	—	434,487	8,000	100,000
Madagascar	164,290	16,087	29,841	—	—	—	210,218	16,000	—
Malawi	27,925	—	—	—	—	—	27,925	—	—
Malaysia	806,578	150,998	127,804	—	—	—	1,085,380	52,000	340,000
Mali	118,172	14,467	2,131	—	—	—	134,770	16,000	20,000
Maldives Islands	—	—	—	—	—	—	—	—	—
Malta	26,325	—	—	—	—	—	26,325	—	—
Mauritania	77,743	—	—	—	—	—	77,743	16,000	4,081
Mexico	4,066,153	134,121	—	10,000	—	—	4,210,274	142,000	—
Mongolia	70,372	—	—	—	—	—	70,372	16,000	—
Morocco	760,383	118,333	152,607	—	—	—	1,031,323	56,000	400,000
Nepal	196,165	33,812	27,327	—	—	—	257,304	16,000	—
Netherlands	5,470,750	1,405,096	2,780,574	201,124	79,694	—	9,937,238	154,000	2,020,000
New Zealand	2,195,898	560,732	1,143,489	42,226	31,918	—	3,974,263	68,000	998,482
Nicaragua	175,725	30,717	—	—	—	—	206,442	8,000	—
Niger	153,300	14,198	25,324	—	—	—	192,822	16,000	—
Nigeria	758,721	56,208	133,004	—	—	—	947,933	84,000	1,000,000
Norway	2,564,059	646,033	1,297,832	68,963	38,000	698,324	5,313,211	72,000	5,700,000
Pakistan	2,387,375	449,818	347,328	5,000	—	—	3,189,521	48,000	500,000
Panama	191,769	29,840	—	—	—	—	221,609	6,000	—
Paraguay	173,350	5,876	9,686	—	—	—	189,112	8,000	—
Peru	680,019	54,334	—	—	—	—	734,353	8,000	—
Philippines	2,259,180	400,186	352,342	—	—	—	3,011,708	70,000	750,000
Poland	6,763,503	—	—	—	—	—	6,763,503	172,000	—
Portugal	1,008,259	209,921	—	—	—	—	1,218,180	64,000	—
Romania	1,763,872	—	—	—	—	—	1,763,872	128,000	—

Sierra Leone	93,873	6,918	17,215	—	—	—	118,006	16,000	28,003
Singapore	—	—	—	—	—	—	—	—	—
Somalia	139,255	8,745	8,945	—	—	—	156,945	16,000	—
South Africa	2,948,745	805,379	—	—	—	—	3,754,124	56,000	—
Spain	5,150,679	—	—	—	—	—	5,150,679	344,000	—
Sudan	306,546	—	49,097	—	—	—	355,643	28,000	50,000
Sweden	7,441,466	1,888,365	3,711,623	201,395	112,500	2,000,000	15,355,349	202,000	14,470,000
Syria	215,714	—	—	—	—	—	215,714	4,000	—
Thailand	808,748	146,336	135,664	—	—	—	1,090,748	28,000	160,000
Togo	147,776	—	—	—	—	—	147,776	16,000	10,000
Trinidad and Tobago	97,104	5,809	10,471	—	—	—	113,384	16,000	8,750
Tunisia	269,785	45,085	42,395	—	—	—	357,265	20,000	485,000
Turkey	2,481,645	511,943	422,651	—	—	—	3,416,239	22,000	100,000
Uganda	68,006	—	—	—	—	5,000	73,006	16,000	9,996
Ukrainian Soviet Socialist Republic	9,184,699	—	—	—	—	—	9,184,699	388,000	—
Union of Soviet Socialist Republics	69,327,358	—	—	—	—	—	69,327,358	2,932,000	—
United Arab Republic	1,545,709	—	271,883	—	—	—	1,817,592	20,000	249,990
United Kingdom of Great Britain and Northern Ireland	41,165,336	11,087,412	21,162,888	2,550,150	585,000	10,000,000	86,550,786	1,322,000	11,996,085
United Republic of Tanzania	126,807	6,918	17,215	—	—	—	150,940	16,000	2,800
United States of America	199,397,747	46,935,022	88,902,194	23,986,275	33,078,986	—	392,300,224	6,142,000	76,263,276
Upper Volta	92,419	—	12,245	—	—	—	104,664	16,000	—
Uruguay	595,644	81,667	—	—	—	—	677,311	8,000	—
Venezuela	2,717,334	423,943	432,117	—	—	—	3,573,394	114,000	300,000
Yemen	167,670	—	—	—	—	—	167,670	8,000	—
Yugoslavia	1,770,030	354,859	60,505	—	—	—	2,185,394	72,000	200,000
Zambia	—	—	—	—	—	—	—	—	—
TOTAL	553,226,549^a	96,358,504^b	158,968,395^c	28,700,204	37,753,015	13,703,324	888,709,991^d	20,132,000	155,595,678^e

^a In addition there were credits amounting to \$43.5 million representing income from staff assessment and League of Nations assets. On the other hand, there are included: (i) a payment of \$400,632 from one Member State which was received in September but recorded in the United Nations accounts in October 1965, and (ii) an amount of \$1,079,158 representing transfers in 1959 and 1960 from "surplus account" to the Working Capital Fund, which amount forms part of the additional advances of \$20.1 million shown in column 8.

^b In addition there were credits amounting to \$266,781 representing income from staff assessment.

^c In addition there were credits amounting to \$57,058 representing income from staff assessment.

^d Excludes a payment of \$747,668 for peace-keeping operations; application awaits the Chinese Governments' further instructions.

^e Excludes a total of \$14,310,000 representing income from sale of bonds to five non-member States.

Table III

STATEMENT OF ASSESSED CONTRIBUTIONS UNPAID
AS OF 30 SEPTEMBER 1965

1. Part A of the table below shows the amounts of assessed contributions to the United Nations regular budget, to the Special Account of UNEF, and to the *Ad hoc* Account for ONUC which were unpaid as at 30 September 1965; part B is a statement of unpaid assessments, as at 30 September 1965, for Member States that have announced they will not contribute to the UNEF and ONUC accounts or in respect of certain regular budget costs; and part C shows the unpaid assessments, as at 30 September 1965, for Member States that have made no payments to the UNEF and ONUC accounts.

2. The total amount shown as unpaid is \$124,887,869.48, or approximately \$1 million less than the amount indicated in paragraph 12 and in table IV of document A/AC.124/1. The difference is explained by the fact that one Member State's contribution to the regular budget which was received at the end of September 1965 was recorded in the accounts at the beginning of October, and one Member State's contribution in respect of its assessments for the two peace-keeping operations which was received in 1965 did not specify the account to be credited; pending clarification on this point the amount involved was recorded in the accounts as at 30 September 1965 'in suspense'.

3. The amounts shown have been arrived at on the basis of the Financial Regulations of the United Nations and the relevant resolutions of the General Assembly. With reference to the amounts shown as unpaid by certain Member States, the Governments concerned have requested that attention be drawn to the position of their delegations at successive sessions of the General Assembly, and in particular, to the following:

(a) It is their view that these expenditures, to the extent that the amounts relate to the Special Account of UNEF and the *Ad hoc* Account for ONUC, have been illegally included, and they do not consider themselves bound to participate in them under the provisions of Article 17 of the United Nations Charter;

(b) They take a similar position of principle in respect of their estimated share in some expenditures which have been included in the United Nations regular budget—namely, the payment of interest and principal on the United Nations bond issue, the maintenance of the United Nations Commission for the Unification and Rehabilitation of Korea, the United Nations Memorial Cemetery in Korea, the United Nations Truce Supervision Organization in Palestine, and the United Nations Field Service;

(c) To the extent that the respective amounts under the regular budget relate to their dollar shares of the appropriations for technical assistance as provided for in Part V (Technical programmes) of the budgets for 1963 and 1964, Bulgaria, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics have formally offered to make payments in the equivalent amount of local currency. Notification has been received from Bulgaria, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics that such amounts equivalent to \$33,088, \$66,561, \$253,444 and \$1,916,186, respectively, have been deposited to the United Nations account.

4. Included in the total of \$124,887,869.48 referred to in paragraph 2 above is an amount estimated at \$99,900,408 which Member States have announced to the Secretary-General they will not contribute to the UNEF and ONUC accounts or in respect of certain regular budget costs. The distribution of this estimated amount to the regular budget, and the UNEF and ONUC accounts are, respectively, \$4,672,364, \$25,056,950 and \$70,171,094. It may be noted that, although they have not notified the Secretary-General of their refusal to pay UNEF and ONUC assessments, no payment of UNEF assessments have been received from 13 Member States whose assessments totalled \$1.6 million and no payment of ONUC assessments have been received from 20 Member States whose assessment totalled \$4.3 million.

5. It should be noted also that the listing of assessed contributions unpaid as at 30 September 1965 does not include reference to any unpaid 1965 assessments since no 1965 assessments were made by the General Assembly until December 1965.

A. Assessed contributions to the United Nations regular budget, the Special Account and of UNEF and the *Ad Hoc* Account for ONUC unpaid as at 30 September 1965

Member State	Regular budget	UNEF	ONUC	Total
United States dollars				
Afghanistan	—	37,143.50	37,603.50	74,747.00
Albania	12,520.00	39,830.00	43,602.00	95,952.00
Algeria	—	—	—	—
Argentina	228,569.54	948,142.00	153,671.00	1,330,382.54
Australia	—	—	—	—
Austria	—	—	—	—
Belgium	—	—	—	—
Bolivia	22,711.00	36,436.00	34,833.40	93,980.40
Brazil	748,031.00	—	414,729.50	1,162,760.50
Bulgaria	62,753.00	157,918.00	190,746.00	411,417.00
Burma	—	—	—	—
Burundi	68,006.00 ^a	5,809.00	10,471.00	84,286.00
Byelorussian Soviet Socialist Republic	164,204.80	585,080.00	1,357,881.00	2,107,165.80
Cambodia	—	—	—	—
Cameroon	—	—	—	—
Canada	—	—	—	—
Central African Republic	—	2,256.00	6,589.00	8,845.00
Ceylon	—	—	—	—
Chad	3,980.20	6,499.00	9,832.23	20,311.43
Chile	—	128,998.00	224,847.00	353,845.00
China	—	4,743,626.50	6,737,206.50	11,480,833.00
Colombia	130,302.01	—	—	130,302.01
Congo (Brazzaville)	32,934.00	5,722.00	9,938.00	48,594.00
Congo (Democratic Republic of the)	—	—	—	—
Costa Rica	16,200.12	11,850.09	13,915.50	41,965.71
Cuba	207,900.00	222,474.00	260,259.00	690,633.00

Table III (continued)

A. Assessed contributions to the United Nations regular budget, the Special Account and of UNEF and the Ad Hoc Account for ONUC unpaid as at 30 September 1965 (continued)

Member State	Regular budget	UNEF	ONUC	Total
	<i>United States dollars</i>			
Cyprus	—	—	—	—
Czechoslovakia	193,198.40	1,117,077.00	2,759,408.00	4,069,683.40
Dahomey	24,638.76	2,593.00	6,993.81	34,225.57
Denmark	—	—	—	—
Dominican Republic	44,752.02	17,429.00	54,503.00	116,684.02
Ecuador	28,550.14	3,662.71	4,120.29	36,333.14
El Salvador	—	5,722.00	16,296.00	22,018.00
Ethiopia	—	7,154.00	12,424.00	19,578.00
Finland	—	—	—	—
France	721,413.00	—	17,031,152.00	17,752,565.00
Gabon	—	—	—	—
Ghana	—	—	—	—
Greece	—	—	—	—
Guatemala	—	11,518.00	38,209.00	49,727.00
Guinea	—	13,941.00	9,938.00	23,879.00
Haiti	39,878.00	20,192.00	33,915.00	93,985.00
Honduras	—	5,722.00	16,176.50	21,898.50
Hungary	95,147.00	546,271.00	995,024.00	1,636,442.00
Iceland	—	—	—	—
India	139,999.50 ^b	—	—	139,999.50 ^b
Indonesia	—	—	—	—
Iran	—	—	—	—
Iraq	72,344.00	89,473.00	22,362.00	184,179.00
Ireland	—	—	—	—
Israel	—	—	—	—
Italy	—	—	—	—
Ivory Coast	—	—	—	—
Jamaica	—	—	—	—
Japan	—	—	—	—
Jordan	—	39,830.00	43,602.00	83,432.00
Kuwait	—	—	—	—
Laos	—	—	—	—
Lebanon	—	19,845.00	12,108.02	31,953.02
Liberia	969.00	3,466.00	3,349.00	7,784.00
Libya	—	—	—	—
Luxembourg	—	—	—	—
Madagascar	—	—	—	—
Malaysia	—	—	—	—
Mali	—	—	24,259.00	24,259.00
Mauritania	16,129.55	6,918.00	17,215.00	40,262.55
Mexico	—	568,772.00	786,193.00	1,354,965.00
Mongolia	23,500.62	6,918.00	17,215.00	47,633.62
Morocco	—	—	—	—
Nepal	—	2,255.90	6,588.92	8,844.82
Netherlands	—	—	—	—
New Zealand	—	—	—	—
Nicaragua	35,805.50	5,350.75	33,915.50	75,071.75
Niger	—	—	—	—
Nigeria	—	—	—	—
Norway	—	—	—	—
Pakistan	140,000.00 ^b	—	—	140,000.00 ^b
Panama	—	10,179.00	33,915.50	44,094.50
Paraguay	37,818.50	30,192.00	24,229.00	92,239.50
Peru	—	69,380.01	89,183.50	158,563.51
Philippines	—	—	—	—
Poland	239,514.50	1,616,863.00	2,466,010.00	4,322,387.50
Portugal	19,432.00	—	201,673.00	221,105.00
Romania	93,225.00	462,194.00	641,015.00	1,196,434.00
Rwanda	21,100.00	5,809.00	10,471.00	37,380.00
Saudi Arabia	—	65,324.00	69,418.00	134,811.00
Senegal	51,156.00	8,125.00	20,418.00	79,699.00
Sierra Leone	—	—	—	—
Somalia	—	5,722.00	17,445.07	23,167.07
South Africa	—	—	1,503,337.00	1,503,337.00
Spain	—	990,197.00	985,159.00	1,975,356.00
Sudan	57,632.00	81,133.00	5,860.00	144,625.00
Sweden	—	—	—	—
Syria	8,233.02	39,821.00	20,379.00	68,433.02
Thailand	—	9,026.00	—	9,026.00
Togo	5,596.00	10,705.00	25,324.50	41,625.50

Table III (continued)

A. Assessed contributions to the United Nations regular budget, the Special Account and of UNEF and the Ad Hoc Account for ONUC unpaid as at 30 September 1965 (continued)

Member State	Regular budget	UNEF	ONUC	Total
<i>United States dollars</i>				
Trinidad and Tobago	—	—	—	—
Tunisia	—	—	—	—
Turkey	—	—	—	—
Uganda	—	5,809.00	10,471.00	16,280.00
Ukrainian Soviet Socialist Republic	625,240.20	2,238,198.00	5,185,697.00	8,049,135.20
Union of Soviet Socialist Republics	4,727,196.30	18,286,601.00	39,223,085.00	62,236,882.30
United Arab Republic	5,428.52	320,507.00	48,387.00	374,322.52
United Kingdom of Great Britain and Northern Ireland	—	—	—	—
United Republic of Tanzania	—	—	—	—
United States of America	—	—	—	—
Upper Volta	25,753.14	14,467.00	14,145.00	54,365.14
Uruguay	102,064.44	40,720.00	97,662.00	240,446.44
Venezuela	—	—	—	—
Yemen	43,697.50	39,830.00	43,602.00	127,129.50
Yugoslavia	—	—	333,269.00	333,269.00
TOTAL	9,337,524.28	33,776,696.46	82,521,316.74	125,635,537.48
		China (undistributed payment)		747,668.00
				124,887,869.48

* Burundi's advance to the Working Capital Fund of \$16,000 is also unpaid.

† This balance represents an amount withheld by the Government pending allocation of a credit of \$140,000 from the Working Capital Fund, which is the subject of consultations between the Governments of India and Pakistan. In the meantime, the sum of \$140,000 is being held in a suspense account by the United Nations.

B. Statement of unpaid assessments, as at 30 September 1965, for Member States that have announced they will not contribute to the UNEF or ONUC accounts or in respect of certain regular budget costs

Member State	Regular budget	UNEF	ONUC	Total
<i>United States dollars</i>				
Albania	12,520	39,830	43,602	95,952
Bulgaria	62,753	(33,088) ^a	157,918	411,417
Byelorussian Soviet Socialist Republic	164,205	(66,561) ^a	585,080	2,107,166
Cuba	—	—	260,259	260,259
Czechoslovakia	193,198	1,117,077	2,759,408	4,069,683
France	721,143	—	17,031,152	17,752,295
Hungary	95,147	546,271	995,024	1,636,442
Mongolia	7,501	6,918	17,215	31,634
Poland	239,515	1,616,863	2,466,010	4,322,388
Romania	93,225	462,194	641,015	1,196,434
Ukrainian Soviet Socialist Republic	625,240	(253,444) ^a	2,238,198	8,049,135
Union of Soviet Socialist Republics	4,727,196	(1,916,186) ^a	18,286,601	39,223,085
TOTAL	6,941,643	(2,269,279)^a	25,056,950	70,171,094
	2,269,279^a			2,269,279^a
Balance	4,672,364			99,900,408

^a Amount the Governments concerned have proposed to pay in their national currencies.

Table III (continued)

C. Statement of unpaid assessments, as at 30 September 1965, for Member States that have made no payments to the UNEF or ONUC accounts^a

Member State	UNEF	ONUC	Total
	United States dollars		
Burundi	5,809	10,471	16,280
Chile	—	224,847	224,847
Dominican Republic	—	54,503	54,503
Haiti	—	33,916	33,916
Jordan	39,830	43,602	83,432
Mauritania	6,918	17,215	24,133
Mexico	—	786,193	786,193
Nicaragua	—	33,916	33,916
Panama	—	33,916	33,916
Peru	—	89,184	89,184
Portugal	—	201,673	201,673
Rwanda	5,809	10,471	16,280
Saudi Arabia	65,324	69,487	134,811
South Africa	—	1,503,337	1,503,337
Spain	990,197	985,159	1,975,356
Sudan	81,133	—	81,133
Syria	39,821	20,379	60,200
Togo	10,705	25,325	36,030
Uganda	5,809	10,471	16,280
United Arab Republic	320,507	—	320,507
Upper Volta	14,467	—	14,467
Uruguay	—	97,662	97,662
Yemen	39,830	43,602	83,432
TOTAL	1,626,159	4,295,329	5,921,488

^a Excluding the Member States listed in part B above.

Table IV

A. DISTRIBUTION OF UNEF MISCELLANEOUS INCOME BY MEMBER STATES BY SOURCES OF FINANCING FOR YEARS UP TO 31 DECEMBER 1964
As at 30 September 1965

Source of financing	Total amount (A) financed (and financeable)	Members' contributions			Miscellaneous income available for distribution	Miscellaneous income applicable to Members' contributions	
		Paid through 30 September 1965	Credits against assessments	Unpaid at 30 September 1965		Paid	Unpaid
United States dollars							
<i>Assessments of Member States</i>							
Afghanistan	52,706	15,334	229	37,143	363	66	297
Albania	39,981	—	151	39,830	297	—	297
Algeria	14,306	14,306	—	—	140	140	—
Argentina	1,005,150	52,727	4,281	948,142	6,929	—	6,929
Australia	2,045,613	2,038,921	6,692	—	16,251	16,251	—
Austria	495,790	494,282	1,508	—	4,044	4,044	—
Belgium	1,511,789	1,506,937	4,852	—	11,886	11,886	—
Bolivia	43,950	7,345	169	36,436	317	—	317
Brazil	945,506	941,549	3,957	—	6,538	6,538	—
Bulgaria	158,491	—	573	157,918	1,261	—	1,261
Burma	78,752	78,404	348	—	531	531	—
Burundi	5,722	—	—	5,722	52	—	52
Byelorussian Soviet Socialist Republic	586,870	—	1,790	585,080	4,656	—	4,656
Cambodia	36,219	36,068	151	—	245	245	—
Cameroon	14,470	14,467	3	—	156	156	—
Canada	3,755,998	3,745,205	10,793	—	29,706	29,706	—
Central African Republic	10,708	8,449	3	2,256	104	83	21
Ceylon	92,892	92,478	414	—	648	648	—
Chad	10,708	4,206	3	6,499	104	52	52
Chile	252,262	122,200	1,064	128,998	1,755	616	1,139
China	5,112,720	350,000	19,094	4,743,626	36,274	24	36,250
Colombia	293,887	292,621	1,266	—	2,008	2,008	—
Congo (Brazzaville)	14,470	8,745	3	5,722	156	104	52
Congo (Democratic Republic of the)	15,586	15,583	3	—	157	157	—
Costa Rica	36,219	24,218	151	11,850	245	127	118
Cuba	250,446	27,000	972	222,474	1,902	—	1,902
Cyprus	10,708	10,705	3	—	104	104	—

Table IV (continued)

A. DISTRIBUTION OF UNEF MISCELLANEOUS INCOME BY MEMBER STATES BY SOURCES OF FINANCING

FOR YEARS UP TO 31 DECEMBER 1964 (continued)

As at 30 September 1965

Source of financing	Total amount (A) financed (and financable)	Members' contributions			Miscellaneous income available for distribution	Miscellaneous income applicable to Members' contributions	
		Paid through 30 September 1965	Credits against assessments	Unpaid at 30 September 1965		Paid	Unpaid
				<i>United States dollars</i>			
Czechoslovakia	1,120,309	—	3,232	1,117,077	9,048	—	9,048
Dahomey	10,708	8,112	3	2,593	104	79	25
Denmark	735,178	732,822	2,356	—	5,736	5,736	—
Dominican Republic	49,978	32,348	201	17,429	370	170	200
Ecuador	50,360	46,486	211	3,663	378	343	35
El Salvador	47,617	41,688	207	5,722	294	242	52
Ethiopia	72,550	65,084	312	7,154	464	412	52
Finland	439,410	438,038	1,372	—	3,483	3,483	—
France	7,876,805	7,852,543	24,262	—	62,864	62,864	—
Gabon	10,708	10,705	3	—	104	104	—
Ghana	59,774	59,544	230	—	464	464	—
Greece	193,854	193,020	834	—	1,362	1,362	—
Guatemala	53,213	41,472	223	11,518	332	225	107
Guinea	25,211	11,185	85	13,941	240	84	156
Haiti	36,219	15,876	151	20,192	245	81	164
Honduras	36,219	30,346	151	5,722	245	193	52
Hungary	547,851	—	1,580	546,271	4,354	—	4,354
Iceland	41,367	41,216	151	—	297	297	—
India	2,401,893	2,391,780	10,113	—	16,356	16,356	—
Indonesia	435,705	433,865	1,840	—	3,009	3,009	—
Iran	209,840	208,953	887	—	1,416	1,416	—
Iraq	101,864	12,000	391	89,473	747	—	747
Ireland	184,101	183,389	712	—	1,410	1,410	—
Israel	149,498	148,933	565	—	1,131	1,131	—
Italy	2,630,393	2,622,190	8,203	—	20,995	20,995	—
Ivory Coast	12,812	12,808	4	—	130	130	—
Jamaica	7,154	7,154	—	—	52	52	—
Japan	2,254,760	2,246,802	7,958	—	16,882	16,882	—
Jordan	39,981	—	151	39,830	297	—	297
Kuwait	5,363	5,363	—	—	52	52	—
Laos	36,219	36,068	151	—	245	245	—
Lebanon	45,275	25,240	190	19,845	292	127	165
Liberia	36,219	32,588	165	3,466	245	212	33
Libya	39,981	39,830	151	—	297	297	—
Luxembourg	64,782	64,553	229	—	529	529	—
Madagascar	12,811	12,807	4	—	130	130	—
Malaysia	140,349	139,732	617	—	1,103	1,103	—
Mali	14,470	14,467	3	—	156	156	—
Mauritania	6,502	—	—	6,502	52	—	52
Mexico	705,585	134,121	2,692	568,772	5,390	274	5,116
Mongolia	6,502	—	—	6,502	52	—	52
Morocco	118,830	118,332	498	—	848	848	—
Nepal	36,219	33,812	151	2,256	245	224	21
Netherlands	1,266,377	1,262,147	4,230	—	9,887	9,887	—
New Zealand	504,400	502,703	1,697	—	4,020	4,020	—
Nicaragua	36,219	30,717	151	5,351	245	209	36
Nigeria	56,221	56,208	13	—	601	601	—
Niger	10,708	10,705	3	—	104	104	—
Norway	573,792	571,943	1,849	—	4,530	4,530	—
Pakistan	422,480	420,705	1,775	—	2,854	2,854	—
Panama	40,188	29,840	169	10,179	265	161	104
Paraguay	36,219	5,876	151	30,192	245	—	245
Peru	124,198	54,334	484	69,380	909	264	645
Philippines	374,045	372,457	1,588	—	2,625	2,625	—
Poland	1,622,337	—	5,474	1,616,863	12,492	—	12,492
Portugal	210,752	209,921	831	—	1,576	1,576	—
Romania	463,741	—	1,547	462,194	3,466	—	3,466
Rwanda	5,722	—	—	5,722	52	—	52
Saudi Arabia	65,569	—	245	65,324	496	—	496
Senegal	14,438	6,309	4	8,125	148	78	70
Sierra Leone	6,502	6,502	—	—	52	52	—
South Africa	713,956	711,625	2,331	—	5,493	5,493	—
Somalia	14,470	8,745	3	5,722	156	104	52
Spain	994,046	—	3,849	990,197	7,321	—	7,321
Sudan	81,445	—	312	81,133	577	—	577
Sweden	1,663,734	1,658,373	5,361	—	13,003	13,003	—

Table IV (continued)

A. DISTRIBUTION OF UNEF MISCELLANEOUS INCOME BY MEMBER STATES BY SOURCES OF FINANCING

FOR YEARS UP TO 31 DECEMBER 1964 (continued)

As at 30 September 1965

Source of financing	Total amount (A) financed (and financeable)	Members' contributions			Miscellaneous income available for distribution	Miscellaneous income applicable to Members' contributions	
		Paid through 30 September 1965	Credits against assessments	Unpaid at 30 September 1965		Paid	Unpaid
				United States dollars			
Syria	39,881	—	60	39,821	231	—	231
Thailand	144,878	135,245	607	9,026	1,042	956	86
Togo	10,708	—	3	10,705	104	—	104
Trinidad and Tobago	5,722	5,722	—	—	52	52	—
Tunisia	45,275	45,085	190	—	292	292	—
Turkey	514,228	511,943	2,285	—	3,487	3,487	—
Uganda	5,722	—	—	5,722	52	—	52
Ukrainian Soviet Socialist Re- public	2,245,059	—	6,861	2,238,198	17,776	—	17,776
Union of Soviet Socialist Republics	18,338,502	—	51,901	18,286,601	145,530	—	145,530
United Arab Republic	321,851	—	1,344	320,507	2,375	—	2,375
United Kingdom of Great Britain and Northern Ireland	10,052,564	10,014,593	37,971	—	79,426	79,426	—
United Republic of Tanzania	6,502	6,502	—	—	52	52	—
United States of America	42,403,138	42,403,138	—	—	334,394	334,394	—
Upper Volta	14,470	—	3	14,467	156	—	156
Uruguay	122,909	81,667	522	40,720	826	411	415
Venezuela	425,713	423,943	1,770	—	3,011	3,011	—
Yemen	39,981	—	151	39,830	297	—	297
Yugoslavia	323,266	321,932	1,334	—	2,293	2,293	—
SUB-TOTAL	122,358,286	88,315,902	266,781	33,775,603	951,787	685,138	266,649
<i>Voluntary contributions (B)</i>							
Australia	261,365	261,365	—	—	1,735	1,735	—
Austria	9,744	9,744	—	—	68	68	—
Belgium	68,553	68,553	—	—	553	553	—
Burma	3,250	3,250	—	—	—	—	—
Canada	373,105	373,105	—	—	3,070	3,070	—
Ceylon	5,000	5,000	—	—	—	—	—
Denmark	72,411	72,411	—	—	588	588	—
Dominican Republic	3,250	3,250	—	—	—	—	—
Finland	7,762	7,762	—	—	87	87	—
France	411,842	411,842	—	—	442	442	—
Greece	6,500	6,500	—	—	—	—	—
Ireland	12,495	12,495	—	—	60	60	—
Italy	118,577	118,577	—	—	937	937	—
Japan	92,883	92,883	—	—	758	758	—
Liberia	4,000	4,000	—	—	—	—	—
Mexico	10,000	10,000	—	—	—	—	—
Netherlands	179,323	179,323	—	—	1,013	1,013	—
New Zealand	35,164	35,164	—	—	68	68	—
Norway	59,218	59,218	—	—	472	472	—
Pakistan	5,000	5,000	—	—	—	—	—
Sweden	171,315	171,315	—	—	1,424	1,424	—
United Kingdom of Great Britain and Northern Ireland	2,407,464	2,407,464	—	—	7,391	7,391	—
United States of America	23,372,752	23,372,752	—	—	84,522	84,522	—
SUB-TOTAL	27,690,973	27,690,973	—	—	103,188	103,188	—
TOTAL CONTRIBUTIONS BY MEMBER STATES	150,049,259	116,006,875	266,781	33,775,603	1,054,975	788,326	266,649
Financeable by voluntary con- tributions	1,278,130	—	—	—	12,078	—	—
United Nations Bond Account	19,206,880	—	—	—	183,891	—	—
TOTAL FINANCED (A)	170,534,269	—	—	—	1,250,944	—	—

(A) Equal to expenditures authorized by the General Assembly.

(B) Excludes voluntary contributions totalling \$1,009,232, held in trust pending receipt of contributions assessed on economically less developed countries in 1963 and 1964.

Table IV (continued)
B. SUMMARY OF DISTRIBUTION OF UNEF MISCELLANEOUS INCOME BY YEAR FOR YEARS UP TO 31 DECEMBER 1964
As at 30 September 1965

	1957		1958		1959		1960		1961	
	Sources of financing	Distribution	Sources of financing	Distribution	Sources of financing	Distribution	Sources of financing	Distribution	Sources of financing	Distribution
	<i>United States dollars</i>									
Assessments not paid	3,725,729	191	7,079,888	57,090	4,279,828	19,789	4,665,576	37,071	4,731,120	64,733
Assessments paid (A)	11,303,259	577	17,920,112	144,499	10,925,172	50,506	11,859,424	94,216	12,583,398	168,983
TOTAL, ASSESSED	15,028,988	768	25,000,000	201,589	15,205,000	70,295	16,525,000	131,287	17,314,518	233,716
Financed from voluntary contributions (B)	14,971,012	764	—	—	3,705,000	17,541	4,540,751	36,150	1,935,000	26,113
TOTAL, financed by Member States	30,000,000	1,532	25,000,000	201,589	19,000,000	87,836	21,074,751	167,437	19,249,518	259,829
Financeable by voluntary contributions										
Financed from United Nations Bond Account										
TOTAL financed	30,000,000	1,532	25,000,000	201,589	19,000,000	87,836	21,074,751	167,437	19,249,518	259,829
	1962		1963		1964		Total			
	Sources of financing	Distribution	Sources of financing	Distribution	Sources of financing	Distribution	Sources of financing	Distribution		
Assessments not paid	2,249,842	20,303	2,523,896	25,594	4,518,724	41,878	33,775,603	266,649		
Assessments paid (A)	6,113,804	55,159	6,303,594	63,937	11,574,920	107,261	88,582,683	685,138		
TOTAL, ASSESSED	8,363,646	75,462	8,827,490	89,531	16,093,644	149,139	122,358,286	951,787		
Financed from voluntary contributions (B)	1,389,474	12,545	398,843	4,038	651,893	6,037	27,690,973	103,188		
TOTAL, financed by Member States	9,753,120	88,007	9,226,333	93,569	16,745,537	155,176	150,049,259	1,054,975		
Financeable by voluntary contributions	—	—	273,667	2,769	1,004,463	9,309	1,278,130	12,078		
Financed from United Nations Bond Account	9,746,880	87,937	9,460,000	95,954	—	—	19,206,880	183,891		
TOTAL financed	19,500,000	175,944	18,960,000	192,292	17,750,000	164,485	170,534,269	1,250,944		

(A) Includes \$266,781 of credits against assessments as follows: 1959—\$41,226; 1960—\$78,223; 1961—\$69,510; 1962—\$77,822.

(B) Excludes voluntary contributions totalling \$1,009,232, held in trust pending receipt of contributions assessed on economically less developed countries in 1963 and 1964.

Table IV (continued)
C. DISTRIBUTION OF ONUC SURPLUS BY MEMBER STATES BY SOURCES OF FINANCING
 FOR YEARS UP TO 31 DECEMBER 1964
 As at 30 September 1965

Source of financing	Contributions by Member States					Total surplus applicable to contributions by Member States	
	Total amount (A) financed (and financeable)	Paid through 30 September 1965	Credits against assessments	Unpaid at 30 September 1965	Surplus available for distribution	Paid	Unpaid
<i>Assessments of Member States</i>							
Afghanistan	46,840	9,186	51	37,603	4,253	848	3,405
Albania	43,636	—	34	43,602	3,413	—	3,413
Algeria	24,846	24,846	—	—	2,188	2,188	—
Argentina	901,253	746,646	936	153,671	72,029	59,443	12,586
Australia	4,763,191	4,761,681	1,510	—	360,315	360,315	—
Austria	1,209,750	1,209,387	363	—	92,702	92,702	—
Belgium	3,452,156	3,451,059	1,097	—	261,142	261,142	—
Bolivia	43,636	8,769	34	34,833	3,413	808	2,605
Brazil	869,796	454,207	860	414,729	69,168	33,125	36,043
Bulgaria	190,881	—	135	190,746	15,744	—	15,744
Burma	63,814	63,747	67	—	5,445	5,445	—
Burundi	9,938	—	—	9,938	1,024	—	1,024
Byelorussian Soviet Socialist Republic	1,358,277	—	396	1,357,881	103,843	—	103,843
Cambodia	43,636	43,602	34	—	3,413	3,413	—
Cameroon	26,394	26,390	4	—	2,080	2,080	—
Canada	8,577,381	8,574,757	2,624	—	654,412	654,412	—
Central African Republic	25,329	18,736	4	6,589	1,635	991	644
Ceylon	80,790	80,706	84	—	6,776	6,776	—
Chad	25,328	15,492	4	9,832	1,635	634	1,001
Chile	225,075	—	228	224,847	18,079	—	18,079
China	6,891,433	150,000	4,226	6,737,207	524,663	14,123	510,540
Colombia	242,686	242,425	261	—	19,579	19,579	—
Congo (Brazzaville)	26,394	16,452	4	9,938	2,080	1,056	1,024
Congo (Democratic Republic of the)	37,583	37,579	4	—	3,057	3,057	—
Costa Rica	33,949	20,000	34	13,915	2,524	1,500	1,024
Cuba	260,470	—	211	260,259	21,107	—	21,107
Cyprus	25,329	25,325	4	—	1,635	1,635	—
Czechoslovakia	2,760,142	—	734	2,759,408	216,053	—	216,053
Dahomey	25,328	18,330	4	6,994	1,635	945	690
Denmark	1,626,753	1,626,247	506	—	123,734	123,734	—
Dominican Republic	54,545	—	42	54,503	5,141	—	5,141
Ecuador	50,924	46,753	51	4,120	4,390	4,054	336
El Salvador	38,351	22,013	42	16,296	2,524	950	1,574
Ethiopia	46,840	34,365	51	12,424	4,252	3,227	1,025
Finland	1,004,190	1,003,887	303	—	76,974	76,974	—
France	17,036,551	—	5,399	17,031,152	1,289,619	—	1,289,619
Gabon	25,329	25,325	4	—	1,635	1,635	—
Ghana	67,581	67,522	59	—	5,721	5,721	—
Greece	195,208	195,014	194	—	16,748	16,748	—
Guatemala	42,437	4,186	42	38,209	4,250	445	3,805
Guinea	43,636	33,664	34	9,938	3,413	2,389	1,024
Haiti	33,950	—	34	33,916	2,524	—	2,524
Honduras	33,949	17,738	34	16,177	2,524	981	1,543
Hungary	995,378	—	354	995,024	86,590	—	86,590
Iceland	43,171	43,137	34	—	2,663	2,663	—
India	3,130,511	3,128,436	2,075	—	234,936	234,936	—
Indonesia	390,737	390,341	396	—	31,768	31,768	—
Iran	174,150	173,973	177	—	13,689	13,689	—
Iraq	98,182	75,744	76	22,362	8,554	6,505	2,049
Ireland	198,647	198,512	135	—	16,769	16,769	—
Israel	122,907	122,789	118	—	10,721	10,721	—
Italy	6,183,458	6,181,560	1,898	—	471,103	471,103	—
Ivory Coast	29,848	29,842	6	—	1,635	1,635	—
Jamaica	12,424	12,424	—	—	1,025	1,025	—
Japan	3,610,307	3,608,460	1,847	—	280,397	280,397	—
Jordan	43,636	—	34	43,602	3,413	—	3,413
Kuwait	9,938	9,938	—	—	1,024	1,024	—
Laos	33,950	33,916	34	—	2,524	2,524	—
Lebanon	42,437	30,287	42	12,108	3,806	2,781	1,025
Liberia	33,949	30,566	34	3,349	2,524	2,247	277
Libya	43,636	43,602	34	—	3,413	3,413	—
Luxembourg	72,895	72,844	51	—	6,608	6,608	—
Madagascar	29,848	29,842	6	—	1,635	1,635	—

Table IV (continued)
C. DISTRIBUTION OF ONUC SURPLUS BY MEMBER STATES BY SOURCES OF FINANCING
 FOR YEARS UP TO 31 DECEMBER 1964 (continued)
 As at 30 September 1965

Source of financing	Total amount (A) financed (and financeable)	Contributions by Member States				Total surplus applicable to contributions by Member States	
		Paid through 30 September 1965	Credits against assessments	Unpaid at 30 September 1965	Surplus available for distribution	Paid	Unpaid
Malaysia	127,947	127,804	143	—	8,999	8,999	—
Mali	26,394	2,131	4	24,259	2,080	445	1,635
Mauritania	14,738	—	—	14,738	1,024	—	1,024
Mexico	786,792	—	599	786,193	64,261	—	64,261
Mongolia	14,738	—	—	14,738	1,024	—	1,024
Morocco	152,725	152,607	118	—	13,693	13,693	—
Nepal	33,949	27,326	34	6,589	2,524	1,873	651
Netherlands	2,781,426	2,780,574	852	—	212,766	212,766	—
New Zealand	1,143,843	1,143,489	354	—	87,920	87,920	—
Nicaragua	33,950	—	34	33,916	2,524	—	2,524
Niger	25,329	25,325	4	—	1,635	1,635	—
Nigeria	133,024	133,004	20	—	9,827	9,827	—
Norway	1,298,245	1,297,832	413	—	99,172	99,172	—
Pakistan	347,665	347,328	337	—	27,517	27,517	—
Panama	33,949	—	34	33,915	2,524	—	2,524
Paraguay	33,950	9,687	34	24,229	2,524	889	1,635
Peru	89,276	—	93	89,183	6,168	—	6,168
Philippines	352,705	352,342	363	—	28,267	28,267	—
Poland	2,467,165	—	1,155	2,466,010	194,770	—	194,770
Portugal	201,842	—	169	201,673	17,110	—	17,110
Romania	641,302	—	287	641,015	54,913	—	54,913
Rwanda	9,938	—	—	9,938	1,024	—	1,024
Saudi Arabia	69,538	—	51	69,487	5,724	—	5,724
Senegal	33,933	13,509	6	20,418	2,917	480	2,437
Sierra Leone	14,738	14,738	—	—	1,024	1,024	—
South Africa	1,503,809	—	472	1,503,337	114,901	—	114,901
Somalia	26,394	8,945	4	17,445	2,080	882	1,198
Spain	985,943	—	784	985,159	82,122	—	82,122
Sudan	55,009	49,098	51	5,860	4,390	3,974	416
Sweden	3,712,796	3,711,623	1,173	—	281,149	281,149	—
Syria	20,379	—	—	20,379	2,306	—	2,306
Thailand	135,798	135,663	135	—	11,165	11,165	—
Togo	25,329	—	4	25,325	1,635	—	1,635
Trinidad and Tobago	9,938	9,938	—	—	1,024	1,024	—
Tunisia	42,437	42,395	42	—	3,806	3,806	—
Turkey	423,149	422,651	498	—	33,657	33,657	—
Uganda	9,938	—	—	9,938	1,024	—	1,024
Ukrainian Soviet Socialist Republic	5,187,215	—	1,518	5,185,697	398,997	—	398,997
Union of Soviet Socialist Republics	39,234,576	—	11,491	39,223,085	3,014,781	—	3,014,781
United Arab Republic	320,540	271,883	270	48,387	27,136	22,981	4,155
United Kingdom of Great Britain and Northern Ireland	21,169,451	21,162,888	6,563	—	1,610,118	1,610,118	—
United Republic of Tanzania	14,738	14,738	—	—	1,024	1,024	—
United States of America	88,902,194	88,902,194	—	—	6,766,868	6,766,868	—
Upper Volta	26,394	12,245	4	14,145	2,080	1,056	1,024
Uruguay	97,763	—	101	97,662	7,364	—	7,364
Venezuela	432,539	432,117	422	—	34,431	34,431	—
Yemen	43,636	—	34	43,602	3,413	—	3,413
Yugoslavia	394,069	60,505	295	333,269	32,549	5,580	26,969
SUB-TOTAL	241,528,649	158,956,828	57,058	82,514,763	18,493,239	12,126,740	6,366,499
Voluntary contributions (B)							
Australia	69,298	69,298	—	—	6,477	6,477	—
Austria	18,822	18,822	—	—	1,771	1,771	—
Canada	141,464	141,464	—	—	12,378	12,378	—
Congo (Democratic Republic of the)	3,200,000	3,200,000	—	—	243,864	243,864	—
Denmark	27,143	27,143	—	—	2,049	2,049	—
Finland	14,481	14,481	—	—	1,024	1,024	—
Ireland	4,298	4,298	—	—	139	139	—
Japan	62,191	62,191	—	—	5,121	5,121	—
Netherlands	42,976	42,976	—	—	3,212	3,212	—
New Zealand	17,214	17,214	—	—	1,771	1,771	—

Table IV (continued)

C. DISTRIBUTION OF ONUC SURPLUS BY MEMBER STATES BY SOURCES OF FINANCING
FOR YEARS UP TO 31 DECEMBER 1964 (continued)

As at 30 September 1965

Source of financing	Total amount (A) financed (and financeable)	Contributions by Member States			Surplus available for distribution	Total surplus applicable to contributions by Member States	
		Credits Paid through 30 September 1965	against assessments	Unpaid at 30 September 1965		Paid	Unpaid
Norway	20,512	20,512			1,771	1,771	
Sweden	60,537	60,537			5,121	5,121	
United Kingdom of Great Britain and Northern Ireland	315,268	315,268			27,102	27,102	
United States of America	31,939,778	31,939,778			2,309,827	2,309,827	
SUB-TOTAL	35,933,982	35,933,982	—	—	2,621,627	2,621,627	—
TOTAL CONTRIBUTIONS BY MEMBER STATES	277,462,631	194,890,810	57,058	82,514,763	21,114,866	14,748,367	6,366,499
Financeable by voluntary contributions	2,256,569				182,739		
United Nations Bond Account ..	110,725,800				10,931,284		
TOTAL FINANCE (A)	390,445,000				32,228,889		

(A) Equal to expenditures authorized by the General Assembly.

(B) Excludes voluntary contributions totalling \$1,819,033,

held in trust pending receipt of contributions assessed on economically less developed countries in 1963 and 1964.

Table IV (continued)
D. SUMMARY OF DISTRIBUTION OF ONUC SURPLUS BY YEAR FOR YEARS UP TO 31 DECEMBER 1964
As at 30 September 1965

	1960		1961		1962		1963		1964		Total to 1964	
	Sources of financing	Surplus distribution	Sources of financing	Surplus distribution	Sources of financing	Surplus distribution	Sources of financing	Surplus distribution	Sources of financing	Surplus distribution	Sources of financing	Surplus distribution
Assessments not paid	15,301,384	—	27,628,306	—	23,903,398	—	10,746,645	—	4,935,030	—	82,514,763	—
Transfer 2/8 of 1962 into 1961 (A) ..	—	—	5,975,849	—	(5,975,849)	—	—	—	—	—	—	—
Adjusted assessments, not paid ..	15,301,384	1,403,116	33,604,155	1,712,173	17,927,549	1,915,580	10,746,645	959,179	4,935,030	376,451	82,514,763	6,366,499
Assessments paid (B)	29,298,616	2,684,661	67,970,609	3,461,868	33,541,051	3,580,918	19,345,756	1,724,412	8,857,854	674,881	159,013,886	12,126,740
TOTAL, assessed	44,600,000	4,087,777	101,574,764	5,174,041	51,468,600	5,496,498	30,092,401	2,683,591	13,792,884	1,051,332	241,528,649	18,493,239
Financed by voluntary contributions (C) ..	3,900,000	357,392	18,155,796	924,787	8,550,600	913,734	1,525,809	135,935	3,801,777	289,779	35,933,982	2,621,627
TOTAL, financed by Member States	48,500,000	4,445,169	119,730,560	6,098,828	60,019,200	6,410,232	31,618,210	2,819,526	17,594,661	1,341,111	277,452,631	21,114,866
Financeable by voluntary contributions ..	—	—	269,440	13,447	—	—	1,381,790	123,238	605,339	46,054	2,256,569	182,739
Financed by United Nations Bond Account ..	—	—	—	—	59,980,800	6,405,105	50,745,000	4,526,179	—	—	110,725,800	10,931,284
TOTAL, financed	48,500,000	4,445,169	120,000,000	6,112,275	120,000,000	12,815,337	83,745,000	7,468,943	18,200,000	1,387,165	390,445,000	32,228,889
Composition of surplus as at 30 September 1965:												
Unencumbered balance, by year ..	—	4,445,169	—	5,824,466	—	11,004,980	—	5,011,635	—	—	—	26,286,250
Miscellaneous income ..	—	—	—	287,809	—	1,810,357	—	2,457,308	—	1,387,165 (D)	—	5,942,639
TOTAL surplus		4,445,169		6,112,275		12,815,337		7,468,943		1,387,165		32,228,889

(A) Transfer of 25 per cent of the 1962 outstanding balance into 1961 was required since the assessment made in 1962 covers the period from 1 November 1961 to 30 June 1962. All other figures relating to the 8-month period of assessment have been adjusted in a similar manner.

(B) Includes \$57,058 of credits against assessments.

(C) Excludes voluntary contributions totalling \$1,819,033, held in trust pending receipt of contributions assessed on economically less developed countries in 1963 and 1964.

(D) Net amount after deduction of amount required to finance ONUC liquidation expenses in 1964 constituting a first charge against 1964 miscellaneous income.

Table V
STATEMENT OF COLLECTION OF CONTRIBUTIONS DURING THE PERIOD 1 OCTOBER 1965 TO
8 FEBRUARY 1966

Member States	United Nations regular budget		UNEF		ONUC
	For 1966	For prior years	For 1966	For prior years	For prior years
<i>United States dollars</i>					
Albania	—	27,672.00	—	—	—
Argentina	—	371,810.00	—	79,048.00	149,142.00
Austria	—	172,153.00	—	19,950.00	—
Brazil	—	500,000.00	—	—	—
Bulgaria	—	80,216.00	—	—	—
Byelorussian Soviet Socialist Republic ..	—	198,500.00	—	—	—
Ceylon	—	14,819.80	—	7,798.00	—
Colombia	—	62,377.50	—	10,964.12	—
Costa Rica	—	32,934.00	—	3,466.00	6,698.00
Czechoslovakia	—	214,495.00	—	—	—
Dahomey	—	24,638.76	—	1,683.99	—
El Salvador	—	25,801.00	—	—	12,947.00
Ethiopia	—	10,864.00	—	10,620.00	12,424.00
Guinea	—	33,009.62	—	—	—
Honduras	—	32,656.00	—	—	—
Liberia	—	7,969.00	—	3,466.00	3,349.00
Luxembourg	5,110.00	—	—	—	—
Madagascar	—	86.93	—	—	—
Malawi	1,090.00	11,786.00*	1,605.00	2,280.00	372.00
Morocco	—	—	—	12,131.00	—
Nepal	—	32,933.98	—	—	3,348.95
Nicaragua	—	24,584.25	—	2,599.50	—
Panama	—	31,555.00	—	—	—
Poland	—	500,000.00	—	—	—
Romania	—	90,000.00	—	—	—
Rwanda	—	21,100.00	—	—	—
Tunisia	—	18,731.80	—	2,368.00	—
Turkey	—	258,786.40	—	—	—
Ukrainian Soviet Socialist Republic	—	748,700.00	—	—	—
Union of Soviet Socialist Republics ..	—	5,670,928.00	—	—	—
United Kingdom of Great Britain and Northern Ireland ..	—	—	—	472,056.80	—
United States of America	3,891,573.25	8,466,893.32	—	—	—
Venezuela	—	—	—	36,047.20	—
Yugoslavia	16,113.00	156,087.00	—	—	—
TOTAL	3,913,886.25	17,842,088.36	1,605.00	664,478.61	188,280.95
GRAND TOTAL					\$22,610,339.17

* In addition, Malawi made an advance of \$16,000 to the Working Capital Fund.

Table VI
MILITARY STRENGTH OF UNEF AS AT DATES INDICATED

Nationality	30 Dec. 1957	31 Dec. 1958	31 Dec. 1959	31 Dec. 1960	31 Dec. 1961	31 Dec. 1962	31 Dec. 1963	31 Dec. 1964	31 Dec. 1965
Brazil	540	627	635	629	526	639	619	543	433
Canada	1,067	982	945	916	911	927	934	941	933
Colombia	526	—	—	—	—	—	—	—	—
Denmark	414	461	559	561	562	562	561	426	495
India	887	1,206	1,250	1,251	1,253	1,256	1,271	1,272	1,254
Norway	544	550	610	609	614	616	500	500	495
Sweden	360	509	659	654	411	424	536	519	431
Yugoslavia	692	701	707	709	709	710	709	508	505
TOTAL	5,030	5,036	5,365	5,329	4,986	5,134	5,130	4,709	4,546

Table VII

MILITARY STRENGTH OF ONUC AS AT DATES INDICATED

Nationality	30 Dec. 1960	31 Dec. 1961	26 Dec. 1962	27 Dec. 1963	30 June 1964
Argentina	22	26	52	—	—
Australia	—	—	—	—	—
Austria	54	40	44	—	—
Brazil	23	34	2	51	3
Burma	9	—	—	—	—
Canada	281	295	310	250	—
Ceylon	9	13	—	—	—
Congo (Leopoldville)	—	—	617	783	—
Denmark	47	84	100	83	—
Ecuador	—	—	—	—	—
Ethiopia	2,486	3,051	2,992	1,718	—
Ghana	1,911	—	706	—	—
Greece	—	—	—	—	—
Guinea	749	—	—	—	—
India	777	5,866	5,626	271	—
Indonesia	1,153	—	1,627	5	—
Iran	—	—	—	8	—
Ireland	1,401	728	867	355	—
Italy	95	120	52	57	—
Liberia	232	239	242	—	—
Malaysia	611	1,459	782	—	—
Mali	—	—	—	—	—
Morocco	3,153	—	—	—	—
Netherlands	6	5	6	1	—
New Zealand	1	—	—	—	—
Nigeria	1,819	1,714	1,852	1,021	—
Norway	100	133	146	88	2
Pakistan	539	577	687	782	15
Sierra Leone	—	—	122	—	—
Sudan	393	—	—	—	—
Sweden	677	886	1,044	398	1
Switzerland	—	—	22	—	—
Tunisia	2,597	389	1,042	—	—
United Arab Republic	501	—	—	—	—
Yugoslavia	—	—	—	—	—
TOTAL	19,646	15,659	18,940	5,871	21

ANNEX VI

Letter, dated 15 February 1966, from the Chairman of the Ad Hoc Committee to the executive heads of the specialized agencies and the International Atomic Energy Agency

I refer to my letter dated 3 February 1966, in which I expressed the hope that the Ad Hoc Committee of Experts would have an opportunity to hold a short meeting with you in March, to establish liaison and plan together the modalities of co-operation between the specialized agencies and the Committee. This co-operation is essential if the Committee is to discharge its responsibilities under General Assembly resolution 2049 (XX).

I have been informed that many of the executive heads and senior officials of the specialized agencies and the International Atomic Energy Agency will be present in New York on or about 22-23 March, to attend the meeting of the Inter-Agency Consultative Board of the United Nations Development Programme. I wonder whether we could agree on a mutually convenient date during that same week for this preliminary meeting, for instance, Thursday, 24 March, at which the Ad Hoc Committee might discuss with you and your colleagues of the other agencies the procedural aspects of the work involved under resolution 2049 (XX), such as place and dates of subsequent meetings and, documentation which the agencies may wish to submit, or which the Committee may wish to receive.

Although the Committee does not expect to undertake the substance of its work under paragraph 6 of resolution 2049 (XX) before the latter part of April, some members have

already given an indication of certain problems which might, in their view, deserve the attention of the Committee. The questions they asked are listed below. It goes without saying that this list is not exhaustive and is mainly intended to open a dialogue between the Committee and the agencies. This matter could be further pursued at our first meeting with you in March, and the Committee will no doubt appreciate hearing your views.

LIST OF QUESTIONS

(a) Breakdown of estimated cost of main fields of activity for the period 1957-1965

(b) Extra-budgetary programmes

Procedures adopted for the implementation of extra-budgetary programmes. What was the proportion of extra-budgetary programmes as compared with the organization's regular budget, on a yearly basis, over the period 1957-1965? Does the Agency wish to submit any observations on the effect that these programmes have had on their regular programmes?

(c) Operational activities

Can the Agency indicate what has been done in the past, and on the basis of such experience, does it wish to offer its views or suggestions on any measures that might be taken to eliminate any possible duplication or overlapping of programmes or procedures, thereby ensuring the optimum use of resources for operational activities?

(d) *Annual expenditures*

Could the Agency provide information and identify the main areas where yearly increases have taken place over the period 1957-1965 and give briefly the reasons for such increases over the following categories of expenditure:

- (i) Expansion of existing programmes and the introduction of new programmes;
- (ii) Recruitment of new staff for reasons indicated in sub-paragraph (i) above;
- (iii) Changes in salaries, wages and staff allowances and benefits;
- (iv) Changes in the working capital fund, and the purposes thereof;
- (v) Increases occasioned by additional space requirements;
- (vi) Other reasons, e.g., increases resulting from the organization acting as executing agency for extra-budgetary programmes and changes due to expansion of research activities (related to reasons listed in sub-paragraph (i) above)?

(c) *Programme and budget*

- (i) Details of the procedure followed in the preparation and compilation of programme and budget;
- (ii) Nature of the approving bodies and procedures adopted by them;
- (iii) Internal and external controls effected for implementation of the approved budget and programmes.

(f) *Actual expenditure*

Information regarding the actual out-turn of expenditure, on a yearly basis, compared with estimated expenditure.

(g) *Supplementary estimates*

- (i) Method of handling supplementary estimates, especially between sessions of their legislative bodies;
- (ii) Percentage of supplementary estimates as compared with initial regular budget appropriations, on a yearly basis, for the period 1957-1965;
- (iii) Source of funds utilized for financing supplementary estimates.

(h) *Unforeseen and extraordinary expenses*

Information on the legislative authority for approving unforeseen and extraordinary expenses, and total amounts, on a yearly basis, for the period 1957-1965.

(i) *Form of budget presentation—uniform layout*

What further consideration has been given to the proposals for adopting a more uniform layout for the preparation and presentation of the budgets, and the relationship of programme to budget, taking into account the action requested of the agencies by the Economic and Social Council in section I of its resolution 1090 (XXXIX) D, of 31 July 1965, entitled "Preparation and submission of agency budgets", which calls for reports by the agencies to the Council at its forty-first session?

(j) *Financing of regular budgets*

Information on the following points concerning the financing of regular budgets:

- (i) Scale of assessments; what were the scales of assessments during the period 1957-1965; what criteria are employed in determining the scale of assessments to be levied on member States for financing the organization's regular budget, and if such criteria differ from those applied by the United Nations, could the Agency give the reasons of the variations in the scales?
- (ii) Collection of contributions: has the Agency experienced any difficulty in the collection of contributions from member States, and if so, what steps have been taken to overcome any such difficulties? Information on the percentage

of collection at mid-year and year-end over the period 1957-1965;

(iii) Working Capital Fund: what method is employed for assessing member States' contributions to the Working Capital Fund and what is the present authorized level? Rules governing the operation of the Working Capital Fund, including determination of the level and authority for withdrawals;

(iv) Other sources of income: disposition and utilization of miscellaneous income;

(v) Method used to finance the shortfall of income over expenditure.

(k) *General Service salaries*

What arrangements are there for co-ordinating with other agencies in applying to particular types of General Service staff the general principles laid down by the International Civil Service Advisory Board?

(l) *Staffing resources*

(i) Table showing the growth of staff over the period 1957-1965, giving totals for each year, broken down between Professional and General Service categories, and showing the percentage increase from year to year and the average annual rate of increase over the period;

(ii) Yearly distribution of staff, by department, over the same period;

(iii) For each year of the same period, number of experts employed by the organization, and system of remuneration.

DOCUMENT A/6289/ADD.2

[Original text: English]
[31 March 1966]

ANNEX VII

Growth of the regular budget of the United Nations between 1964 and 1966: * report of the Secretary-General

1. This report provides a comparison between the appropriations approved under the regular budget of the United Nations for 1966 and corresponding expenditures in 1954. It proceeds to analyse the factors giving rise during the period under review to the over-all increase in the total cost level with an indication of the areas of activity which have been principally involved.

2. In terms of total amounts the position is as follows:

	<i>Gross</i> <i>United States dollars</i>	<i>Net</i> <i>United States dollars</i>
1966 appropriations	121,567,420	101,776,720
1954 expenditures	48,510,009	41,645,791
Increase	73,057,411	60,130,929

The difference between the gross and net amounts consists of income from various sources, including staff assessment, as dealt with under the income sections of the budget. For 1966 such income was estimated at \$19,790,700, representing an increase of \$12,926,482 over actual income in the amount of \$6,864,218 in 1954. The contributions payable by Member States are assessed on a net basis.

3. The following summary table provides a breakdown of the 1966 appropriations and 1954 expenditures by the various sections of the budget:

* The present report was prepared in reply to questions by the representatives of Senegal, the Union of Soviet Socialist Republics and the United Arab Republic (see annex V, paras. 1-3, above).

Section	1966	1954	Increase
	appropriation	expenditures	
<i>United States dollars</i>			
1. Travel and other expenses of representatives, members of commissions, committees and other subsidiary bodies	1,107,400	523,031	584,369
2. Special meetings and conferences	1,741,000	97,765	1,643,235
3. Salaries and wages	56,300,000	25,219,073	31,080,927
4. Common staff costs	13,195,300	4,709,736 ^a	8,485,564
5. Travel of staff	2,144,400	1,241,237	903,163
6. Payments under annex I, paragraphs 2 and 3, of the Staff Regulations; hospitality	125,000	18,080	106,920
7. Buildings and improvements to premises ..	4,360,000	2,742,157	1,617,843
8. Permanent equipment	525,930	282,347	243,583
9. Maintenance, operation and rental of premises	3,800,000	2,759,788	1,040,212
10. General expenses	4,701,000	2,402,820	2,298,180
11. Printing	1,800,000	1,435,344	364,656
12. Special expenses	8,885,800	18,801	8,866,999
13. Economic development, social activities and public administration	6,105,000	1,779,600 ^b	4,325,400
14. Human rights advisory services	220,000		220,000
15. Narcotic drugs control	75,000		75,000
16. Special missions	4,317,990	1,920,180	2,397,810
17. United Nations Field Service	2,106,200	475,388	1,630,812
18. Office of the United Nations High Commissioner for Refugees	3,011,800	677,006	2,334,794
19. International Court of Justice	1,074,100	557,656	516,444
20. United Nations Conference on Trade and Development	5,971,500		5,971,500
TOTAL	121,567,420	46,860,009	74,707,411

^a Excludes \$1,651,000 relating to reimbursement of national income taxation.

^b Includes \$386,700 as a contribution towards the administrative and operational services cost of the technical assistance programme.

MAIN FACTORS DETERMINING INCREASED COST LEVEL

4. The data provided in the preceding paragraphs indicates an increase of some \$74.7 million in the level of expenditure since 1954. Of this increase \$24.3 million occurred during the 7-year period 1954-1961 and \$50.4 million in the 5-year period 1961-1966.

5. The individual elements of the total increase are analysed in some detail by budget section in paragraphs 6 to 75 below. In more general terms, the principal contributory factors have been the following:

(a) Progressive rise in the cost of services and commodities

In all areas of the world where the United Nations has operated or maintained established offices during the period under review, there has occurred, particularly since 1961, a steady increase in the emoluments payable in respect of staff and other personnel services, in rates for contractual services of all descriptions, and in the cost of equipment and supplies.

It is estimated that these factors alone account for an increase of \$22.8 million, or 30.5 per cent of the total increase.

(b) Growth in the membership of the Organisation

The number of Members of the United Nations has increased from 60 in 1954 to 117 in 1966. The membership of a number of organs and subsidiary organs has similarly been expanded to reflect this wider geographical representation. The direct additional cost in terms of such items as the reimbursement of travel costs may be estimated at an amount of some \$440,000; more difficult to measure, but of considerably greater significance, are the consequential higher costs for such purposes as the maintenance and opera-

tion of expanded and more intensively used premises and facilities, the greater volume of printing, reproduction and distribution of documentation, and the more extensive nature of the proceedings in the various bodies.

(c) Expansion of work programmes

As a result of decisions by the appropriate legislative organs, there has been during the period under review a considerable increase in the volume of activity in the economic and social area with special emphasis on the need to assist the developing countries in these fields. This process was accelerated by the adoption by the General Assembly of resolution 1710 (XVI) which designated the decade beginning in 1961 as the "United Nations Development Decade." Thus the years since 1954 have witnessed the establishment of the Economic Commission for Africa (at a total estimated cost in 1966 of some \$4 million); a decentralization of work from Headquarters to the regions, coupled with an expansion of work programmes in general; the creation of an Economic and Social Office in Beirut; a reorganization and strengthening of the Department of Economic and Social Affairs, particularly the creation of the Bureau of Technical Assistance Operations and the Centre for Industrial Development; and, most recently, the establishment, as a subsidiary organ of the General Assembly, of UNCTAD (at a total estimated cost in 1966 of some \$6 million).

It has also been necessary during this period to provide for a progressive strengthening of the conference, general, administrative, and financial services as a direct result of the increasing volume and complexity of the substantive and related conference activities of the Organization.

On the other hand, while new responsibilities have arisen in such fields as decolonization, disarmament, and the peace-

ful uses of outer space, the present establishment of the substantive departments involved, namely the Department of Political and Security Council Affairs and the Department of Trusteeship and Non-Self-Governing Territories, is considerably below that provided for in 1954. A similar reduction has occurred in the case of the Office of Public Information, despite the significant increase in the number of information centres and the level of general activity requiring coverage by Press, radio and visual information media.

(d) *Expansion of the meetings programme*

As a by-product of the expanding work programme in the economic and social fields, there has been a tendency to convene an increasing number of large-scale special conferences related to these activities. Similar conferences were held during the period under review in the field of international law and disarmament. Full particulars of such conferences during the period 1955-1964, with an indication of their cost, are given in document A/C.5/1046^a, annex II, table B.

At the same time the regular meetings programme, notably in the economic and social area, has shown a steady expansion. With the creation of UNCTAD alone, a total of over 1,000 individual meetings requiring conference servicing are anticipated for 1966.

The annual number of meetings naturally tends to fluctuate, depending upon the particular circumstances, such as the convening of special conferences or periods of unusual activity on the part of such organs as the Security Council. Nevertheless, it is a fact that the basic programme of meetings alone has increased to such an extent in recent years that in 1965 the Secretary-General felt constrained to inform the General Assembly that it had reached unmanageable proportions.

The following statistics are indicative:

<i>Number of meetings held at Headquarters and Geneva</i>	1954	1966 <i>(estimated)</i>
General Assembly and subsidiary bodies	843	1,468
Security Council	45	120
Economic and Social Council, commissions and committees	689	1,112
ECE	489	600
Trusteeship Council	294	35
UNCTAD		1,260
Miscellaneous	86	400
TOTAL	2,446	4,995

(e) *Related increase in conference services and printing costs*

The developments referred to under the heading (d) above have had a direct impact on the expenses of the Organization in respect of meetings services, such as interpretation, the translation, editing and preparation of the *Official Records*, and the preparation, reproduction, and distribution of related documentation. In recent years this workload has exceeded the capacity of the established technical language staff, and it has been necessary to engage large numbers of temporary staff or to make contractual arrangements for translation work. Similarly, the volume of work assigned to the reproduction and distribution services has more than trebled, and increased credits have been necessary to meet a higher volume of contractual printing.

As an indication of the financial implications of this growth, it can be estimated that requirements for conference services at Headquarters and Geneva in 1966 for the purposes indi-

cated under the heading (d) above will be in the amount of some \$19,624,000 as compared with \$9,886,000 in 1956.

(f) *Increases in the regular budget provision for technical assistance activities*

In 1954 the provision made under the regular budget for United Nations technical assistance programmes was in the amount of \$1,392,900. The General Assembly, by its resolution 1768 (XVII) of 23 November 1962, increased this appropriation by some \$5 to \$6.4 million, and it has been maintained at this level in subsequent years.

The cumulative effect of the new and expanding requirements as referred to under the headings (b) to (f) above has led to the addition to the budget since 1954 of an estimated amount of some \$43 million or 57.5 per cent of the total increase since that year. It is further estimated that of this amount some \$32 million or 74 per cent could be attributed to activities of direct benefit to the developing countries.

(g) *Special expenses*

The 1966 appropriations provide for certain special expenses which in the main had no counterpart in 1954. These provisions are shown under section 12 of the budget and relate to such items as the repayment of principal and interest due on the United Nations bond issue, as authorized by the General Assembly under its resolution 1739 (XVI), as amended by resolutions 1878 (S-IV) and 1989 (XVIII), in an amount of \$8,668,000; the maintenance of the United Nations Memorial Cemetery in Korea, \$40,800; the grant to the United Nations International School, \$57,000; the special training programme for South West Africans and the special training programme for Territories under Portuguese administration, \$50,000 each; and the Triangular Fellowship Programme of the Office of Public Information, \$20,000. The total of these special expenses amounts to some \$8,885,800 for 1966 with almost no corresponding expenditure in the year 1954.

ANALYSIS OF INCREASES BY INDIVIDUAL BUDGET SECTION

6. A more detailed explanation of the significant reasons for the various increases occurring under each section of the budget from 1954 to 1966 is given below.

Section 1. Travel and other expenses of representatives and members of commissions, committees and other subsidiary bodies

7. The expenditures under this section relate to the reimbursement of travel and other expenses, where applicable, of representatives, members of commissions, committees, and other subsidiary bodies. Authorization for the payment of such expenses is contained in General Assembly resolution 1798 (XVII) of 11 December 1962. The General Assembly, however, at its twentieth session decided to limit reimbursement of travel expenses to the cost of economy-class accommodation by air via a direct route. The increase of some \$585,000 in the level of the expenditures under this section between the years 1954 and 1966 is accounted for principally by three factors: (a) the increase in the total membership of the United Nations from 60 Member States in 1954 to 117 in 1966 and a consequential expansion of the membership of a number of the subsidiary organs; (b) the increase in transportation costs, despite the lowering of standards from first to economy class, due to the wider geographical composition of the membership; and (c) an increase in the number of subsidiary organs for which reimbursement of travel and other expenses of representatives is paid.

8. The following table, for purposes of comparison, provides in detail a breakdown of the expenditures under this section:

^a See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 76.

	1954 expenditure	1966 appropriation	Increase or (decrease)
<i>United States dollars</i>			
(i) Travel of representatives to the General Assembly	238,524	501,000	262,476
(ii) Travel and other expenses of members of commissions, committees, and other General Assembly bodies	118,822	233,600	114,778
(iii) Board of Auditors (external audit costs)	28,820	138,200	109,380
(iv) The Economic and Social Council, commissions and committees	73,350	222,100	148,750
(v) Trusteeship visiting mission	50,110	—	(50,110)
(vi) Administrative advisory bodies	13,405	12,500	(905)
TOTAL	523,031	1,107,400	584,369

9. Attached as appendix I to this report is a statement showing by year and by country the growth in the total membership of the United Nations during the period 1954-1966.

Section 2. Special meetings and conferences

10. The expenditures under this section relate to the convening of special meetings and conferences of which an increasing number have been held during the period under review. Complete details in this regard are provided in document A/C.5/1046,^b annex II, table B. In the main, these special conferences have related to activities in the economic and social field but have also included conferences on disarmament and legal matters. As a consequence of this upward trend the 1966 appropriations are in the amount of \$1,741,000, reflecting an increase of some \$1,643,000 over the corresponding level of expenditures for 1954. It would not be unreasonable to estimate that of this increase some \$840,000 relates to special conferences dealing with matters of direct interest and benefit to the developing countries.

^b *Ibid.*

11. At the same time it should be noted that the provisions under this section tend to fluctuate year by year. The 1966 level happens to be particularly low in comparison with years such as 1962, 1963 and 1964 when the expenditures were in the amount of \$2.2 million, \$2.9 million and \$3.8 million, respectively, due to the fact that certain large-scale international conferences took place during those years.

Section 3. Salaries and wages

12. This section of the budget represents by far the largest single area of expenditure since it includes the costs of established posts, temporary assistance, consultants and experts, and overtime and night differential for Headquarters, Geneva, the regional economic commissions and all information centres. It follows that it is under this section that the biggest increase occurs when comparing 1954 expenditures with the 1966 appropriations. This increase is estimated at slightly in excess of \$31 million.

13. A more detailed comparison between 1954 and 1966 by major categories of expenditure is given in the following table:

Chapter	1954 expenses	1966 appropriations	Increase
<i>United States dollars</i>			
I. Established posts	23,955,492	53,321,700	29,366,208
II. Temporary assistance for meetings:			
(i) General Assembly	126,469	430,000	303,531
(ii) Meetings held at Geneva	121,983	197,300	75,317
III. Other temporary assistance:			
(i) General temporary assistance	439,836	760,000	320,164
(ii) Individual experts and consultants	237,931	746,000	508,069
(iii) <i>Ad Hoc</i> expert groups	15,919	220,000	204,081
IV. Overtime and night differential	321,443	625,000	303,557
TOTAL	25,219,073	56,300,000	31,080,927

Established posts

14. As reflected in the above table, the major portion of the increase under section 3 has occurred in regard to costs for established posts. This increase, amounting to some \$29,366,000 can be accounted for by the following main factors:

(a) *The higher cost of maintaining in 1966 the staffing establishment as approved for 1954*

Since 1954 it has been necessary to revise upward the base salary scales for staff in the Professional and higher categories; a system of post adjustments for cost-of-living pur-

poses has also been introduced. Two such revisions in the base salary scales, which were approved by the General Assembly under resolutions 1658 (XVI), of 28 November 1961, and 2050 (XX), of 13 December 1965, became effective on 1 January 1962 and 1 January 1966, respectively. These changes were made in conformity with recommendations of ICSAB. Similarly, it has been necessary to revise from time to time the level of the post-adjustment classifications for Professional staff in the light of the generally upward movements in the cost-of-living indices. In the case of General Service, Manual Worker, and Local Level staff in the various areas of the world where the United Nations has

established offices, it has also been necessary to increase salary rates in order to conform to the conditions laid down in the Staff Rules and Regulations to the effect that United Nations staff in these categories should be paid in accordance with the best prevailing conditions of employment in the local area. More specific details concerning these upward revisions are given in appendix II to this report. A further factor which has contributed to increased costs was the need to adjust local salary scales at regional economic commissions and information centres from a net to a gross basis in order to conform to the decision of the General Assembly under resolution 1561 (XV), of 18 December 1960, to provide for pensionable remuneration on a half-gross basis. This latter cost has of course been offset by an increase in staff assessment income. It is estimated that the cumulative effect of the foregoing salary and post classification adjustment, has increased expenditures for established posts during this period by \$15,065,000.

(b) *Additional cost resulting from the need to increase the 1954 establishment to the approved level for 1966*

The following table provides a comparison of the establishment, by level, as approved for these two years:

Category and level	Number of posts		Increase or (decrease)
	1954*	1966	
I. Under-Secretary	24	20	(4)
Director	24	49	25
Principal Officer	53	113	60
TOTAL, I	101	182	81
II. Professional:			
Senior Officer	156	292	136
First Officer	409	572	163
Second Officer	588	740	152
Associate and Assistant Officers	394	459	65
TOTAL, II	1,547	2,063	516
TOTAL, I and II	1,648	2,245	597

Category and level	Number of posts		Increase or (decrease)
	1954*	1966	
III. General Service:			
Principal level	138	262	124
Other levels	1,871	2,238	367
TOTAL, III	2,009	2,500	491
TOTAL, I, II, and III	3,657	4,745	1,088
Budgetary credit for Local level staff (approximately)	212	906	694

* Excludes:

- (i) 69 Professional and 93 General Service posts relating to the Technical Assistance Administration, the costs of which in 1954 were met in the main directly from the Special Account.
- (ii) The Economic and Social Office in Beirut, for which no provision was made in the 1954 budget. For 1966, 12 Professional and 14 Local level posts were approved for that Office.
- (iii) ECA, which was established in 1959. For 1966, 134 Professional and 235 Local level posts were approved for that Commission.

As will be seen from the above table, the increase in the establishment during the period 1954-1966 amounted to 597 posts in the Professional and higher levels and 491 posts in the General Service category. In addition, the budgetary credit provided for local staff at the regional economic commissions and the various information centres provided for an increase of 694 posts. It is estimated that the cost of these additional posts, including increases in salary and post classification rates over the 1954-1966 span, amounts to \$14,301,000.

15. The following table provides a comparison of total post allocations by each main organizational unit of the Secretariat for each of the two years:

Area of activity	Professional level and above		General Service		Increase or (decrease)	
	1954	1966	1954	1966	Professional and above	General Service
I. Executive Office of the Secretary-General	16	22	24	26	6	2
II. Political and security:						
Offices of the Under-Secretaries for Special Political Affairs	—	10	—	12	10	12
Department of Political and Security Council Affairs	67	59	42	29	(8)	(13)
TOTAL	67	69	42	41	2	(1)
III. Legal:						
Office of Legal Affairs	29	35	24	29	6	5
IV. Trusteeship and non-self-governing territories:						
Department of Trusteeship and Non-Self-Governing Territories	77	32	37	20	(45)	(17)
V. Economic and social:						
Department of Economic and Social Affairs	269	439	164	362	170	198
Economic and Social Office in Beirut	—	12	—	—	12	—
Division of Social Affairs (Geneva)	—	9	—	8	9	8
ECE	75	95	80	102	20	22
ECAFE	54	123	—	—	69	—
ECLA	57	130	—	—	73	—
ECA	—	134	—	—	134	—

Table (continued)

Area of activity	Professional level and above		General Service		Increase or (decrease)	
	1954	1966	1954	1966	Profes- sional and above	General Service
Division of Human Rights	33	35	21	21	2	—
Division of Narcotic Drugs	17	17	15	14	—	(1)
Joint Secretariat of the Permanent Central Narcotics Board and Drug Supervisory Body	5	7	3	6	2	3
TOTAL	510	1,001	283	513	491	230
VI. Public information:						
Office of Public Information	155	103	133	98	(52)	(35)
Information centres	38	61	—	—	23	—
Information Service (Geneva)	6	10	7	9	4	2
TOTAL	199	174	140	107	(25)	(33)
VII. Conference and general services:						
Office of Conference Services	455	467	491	501	12	10
Office of General Services	55	66	453	496	11	43
Library at Headquarters	37	41	48	55	4	7
Library at Geneva Office	10	13	13	17	3	4
Conference and General Services (Geneva)	80	130	305	342	50	37
TOTAL	637	717	1,310	1,411	80	101
VIII. Administrative and financial services:						
Office of the Controller	47	70	44	84	23	40
Office of Personnel	30	46	36	81	16	45
Health Service	3	3	10	11	—	1
Office of the Director (Geneva)	6	9	6	13	3	7
Administrative and Financial Services (Geneva) ..	12	28	27	56	16	29
Internal Audit Service	10	20	9	15	10	6
Secretariat of the Joint Staff Pension Board and the United Nations Staff Pension Committee	3	5	4	15	2	11
TOTAL	111	181	136	275	70	139
IX. Revenue-producing activities:						
Visitors' Service, Headquarters	—	5	—	24	5	24
Visitors' Service, Geneva	—	—	—	5	—	5
Sale of publications, Headquarters	—	4	—	8	4	8
Sale of publications, Geneva	—	1	—	5	1	5
United Nations Postal Administration, Headquarters	2	3	13	34	1	21
United Nations Postal Administration, Geneva	—	1	—	2	1	2
TOTAL	2	14	13	78	12	65
GRAND TOTAL	1,648	2,245	2,009	2,500	597	491

16. It is evident from the above table that the major portion of the increase approved by the General Assembly during this period was required in order to strengthen organizational units engaged in activities in the economic and social fields. In fact, 491 Professional and 230 General Service posts, representing some 66 per cent of the total increase in both categories of staff, were approved for these purposes, at an estimated cost of \$9,412,000. In analysing the need for these added requirements, however, and to make the comparison between 1954 and 1966 more valid, the following factors should be borne in mind:

(a) The Economic Commission for Africa was only established in 1959, and the appropriation for 1966 includes \$2,486,000 for 134 Professional and 235 Local level staff at that Office.

(b) No specific provision was made in 1954 for the United Nations Economic and Social Office in Beirut, inasmuch as social activities in the area were carried out by personnel outposted from the establishment of the Department of Economic and Social Affairs, the economic functions being

performed at Headquarters. For 1966 the appropriation includes \$193,000 for 12 Professional and 14 Local level staff specifically earmarked for Beirut.

(c) Within the 1966 establishment of the Department of Economic and Social Affairs, provision is made for 63 Professional and 73 General Service posts for the Office of the Commissioner for Technical Co-operation at an estimated cost of \$1,483,000 for established posts only. In 1954 the regular budget included a contribution of \$386,700 towards the total costs for administrative and operational support services of the regular programme of technical assistance and the Expanded Programme. The major part of the cost for these support services in the amount of some \$1.5 million was charged directly to the Special Account. In 1966 the total expenses for administrative and operational support services for these programmes, including those arising in a number of other Departments such as the Office of the Controller, the Office of Personnel and the Office of General Services, are provided for within the regular budget. The totality of these expenses are in part offset by a lump sum subvention

from the Special Account in the amount of \$1,161,500 as included in income section 2 (Funds provided from extra-budgetary accounts) for that year.

17. If the aforementioned factors are taken into account and appropriate adjustments made to the total of the new posts authorized over this period, the balance of the increase in posts in the economic and social area amounts to 282 Professional, 157 General Service, and 251 Local level posts (provided exclusively for ECLA and ECAFE), at an estimated cost of \$5,250,000.

18. The distribution of these additional posts between the various main organizational units in the economic and social area is clearly shown in the summary table. In the main, these new resources were required in order to respond to the desires expressed by Member States and as reflected in resolutions adopted by the Economic and Social Council and the General Assembly to give greater emphasis to many of the work programmes in these fields. Particular priority has been attached during this period to work programmes related to housing, building and planning, population, economic projections and planning and, more recently, the application of science and technology for the benefit of the developing countries, and industrial development. Detailed justification for these increases as they have become necessary have been provided in the annual estimates submitted by the Secretary-General. Furthermore, these requirements have in turn been subject to careful review by the Advisory Committee on Administrative and Budgetary Questions, prior to their approval by the General Assembly.

19. It is also evident from the summary table of post allocations that the balance of the new posts approved during this period has been required principally to strengthen the conference and general services of the Organization, as well as the central administrative and financial services at Headquarters and Geneva. These measures have been necessitated by the growth in the substantive activities of the Organization, in the annual conference programme and its related documentation, and in the workload falling upon these services in support of both the regular programme of technical assistance and the Expanded Programme. In other areas of the Secretariat, notably the Department of Political and Security Council Affairs, the Department of Trusteeship and Non-Self-Governing Territories and the Office of Public Information, the current establishment shows a significant retrenchment compared with 1954. While it is true that in certain fields, such as trusteeship, the workload has diminished, this has been offset by new activities of considerable scope which have emerged in the interim. The net additional requirements in these areas is estimated to total \$4,243,000.

20. The summary table also reveals that there has been an increase in the number of established posts required for the revenue-producing activities. This increase arose for a number of reasons:

(a) Expenditures related to the Visitors' Service at Headquarters were charged directly against revenue prior to 1955 since the activity was managed by the American Association for the United Nations. As of 1 June 1955, however, the Service became a regular United Nations activity and, in accordance with the decision taken by the General Assembly at its ninth session, became an organizational unit of the Headquarters Secretariat under the policy guidance and general administrative supervision of the Department of Public Information. Therefore, the expenditures in regard to permanent staff related to this Service have been included since that date within the expenditure estimates, with a corresponding increase in the revenue credited to miscellaneous income.

(b) Separate staffing provisions for the Visitors' Service at Geneva were not made until 1959.

(c) In 1954, the staff required for the sale of publications at Headquarters and Geneva was incorporated within the establishment of the Department of Public Information at Headquarters and within the Sales Section of the European office of the United Nations. However, the responsibilities of these units at that time extended beyond merely the sale of United Nations publications. For 1966, the staff required for

these purposes both at Headquarters and Geneva are shown as separate units.

(d) The increase in the number of posts for United Nations Postal Administration at Headquarters has been attributable solely to the considerable increase in gross sales which has taken place over the last ten years. This activity has proved to be one of the most profitable revenue-producing activities.

As a consequence of the aforementioned factors, the level of expenditure falling on the budget in regard to established posts costs for revenue-producing activities has increased by an estimated \$646,000 during the period 1954-1966. On the other hand, total expenses of these activities have been more than offset by the increase in net revenue credited to income.

Temporary assistance for meetings

21. The increase of some \$379,000 under this heading is directly attributable to upward adjustments in short-term salary rates, as well as to the substantial growth in the programme of meetings and in the membership of the Organization.

General temporary assistance

22. The appropriation for 1966 exceeds the level of 1954 expenses by approximately \$320,000. It should be noted, however, that temporary assistance credits amounting to some \$117,000 have been made available in 1966 for ECA and that a further \$19,000 is provided for the Organization's share of costs of the secretariats of the Consultative Committee on Administrative Questions and ICSAB. No corresponding provision was made for these activities in 1954. It has also been necessary to include \$90,000 for contractual translation, more particularly to reduce the backlog of Russian translation. Finally, increased actuarial and other services required by the Secretariat of the United Nations Joint Staff Pension Board and the United Nations Staff Pension Committee in 1966, as compared with 1954, account for a further \$119,000. In this latter connexion, however, all temporary assistance costs are fully reimbursed, as reflected in income section 2. These items alone total \$345,000, or more than the total increase under this heading. This reflects as a corollary, the retrenchment made in other areas especially if the increases in salary rates which occurred from time to time are taken into account.

Individual experts and consultants and ad hoc expert groups

23. The increase of some \$712,000 under these headings is a reflection of the growing emphasis placed on economic and social activities, particularly in the field of industrial development, and on work relating to the Scientific Committee on the Effects of Atomic Radiation and to the field of international co-operation in the peaceful uses of outer space. These activities call for highly specialized and technical advice in connexion with studies and reports which have been requested by various legislative bodies. It has been necessary, therefore, to secure the assistance of outside experts and consultants to an increasing degree.

Overtime and night differential

24. The major part of the increase of nearly \$304,000 relates to requirements in the areas of conference and general services at Headquarters. Since 1954 General Service salaries have risen by some 47 per cent, accounting for approximately one half of the increase between 1954 and 1966. The balance is directly attributable to heavier language, documentation, security and other requirements for the servicing of meetings throughout the year.

Section 4, Common staff costs

25. This section provides for common staff costs for those units of the Secretariat covered by section 3, for internationally recruited and replacement staff under section 16 (Special missions), and for the Visitors' Service and temporary staff of the revenue-producing activities. It is clear, therefore, that common staff costs bear a direct relationship to the level of staff costs.

26. The following table provides a comparison between 1954 expenses and the 1966 appropriation, by main category of expenditure:

	1954 expenditures	1966 expenditures	Increase
<i>United States dollars</i>			
I. Staff allowances (dependency allowances and education grants and related travel)	660,111	2,933,000	2,272,889
II. Social security payments (contributions to the United Nations Joint Staff Pension Fund, contributions to medical insurance plans and other medical care, annual retirement allowance for former Secretaries-General, compensatory payments relating to death, injury or illness, staff welfare)	2,752,537	6,796,300	4,043,763
III. Travel and removal expenses on appointment, transfer and separation (including installation and assignment allowances)...	548,083	1,857,000	1,308,917
IV. Separation payments	692,420	1,232,000	539,580
V. Staff training programmes	56,585	377,000	320,415
TOTAL	4,709,736	13,195,300	8,485,564

27. Of the \$8.5 million increase in common staff costs since 1954, it is estimated that approximately \$4,721,000 represents the higher costs of maintaining in 1966 the establishment approved for 1954, and \$3,457,000 the cost of additional posts approved since 1954. A further \$307,000 relates to staff training programmes, for which no counterpart existed in 1954.

28. The increases cited above have been influenced to a large extent by the following factors:

(a) *Dependency allowances*

The decision of the General Assembly under resolution 1095 (XI), of 27 February 1957, to abolish the dependency credit under the Staff Assessment Plan (applied as reductions in the staff assessment levied on gross salaries), and to institute a system of net dependency allowances. The effect of this decision was an increase in budgetary costs, offset by a corresponding rise in staff assessment income.

The decision by the General Assembly under resolution 1658 (XVI) of 28 November 1961, to increase dependency allowances for married staff in the Professional and higher categories of staff from \$200 to \$400, with effect from 1 January 1962. This increase under section 4 was offset by a comparable reduction in the two classes of post adjustment which were incorporated into the new base salary scales at that time.

(b) *Education grant and related travel*

Increases in the education grant from the payment of a flat \$200 to a maximum of \$400 on 1 January 1956 (General Assembly resolution 974 (X), of 15 December 1950), to a maximum of \$600 on 1 January 1962 (General Assembly resolution 1730 (XVI), of 20 December 1961), and finally to a maximum of \$700 on 1 January 1966 (General Assembly resolution 2121 (XX), of 21 December 1965).

(c) *Contributions to the United Nations Joint Staff Pension Fund*

Increased contributions resulting from:

(i) The decision, effective 1 January 1957, to incorporate the previously paid cost-of-living allowances within the base salaries of staff in the General Service and Manual Worker categories;

(ii) The decision, effective 1 January 1959 and 1 January 1965, to recognize 105 per cent of the base pay of Professional staff for pension purposes;

(iii) The decision of the General Assembly under resolution 1561 (XV), of 18 December 1960, to adjust pensionable remuneration to a half-gross basis with effect from 1 April 1961;

(iv) The further adjustment of pensionable remuneration to a full gross basis effective 1 March 1965 (General Assembly resolution 2007 (XIX), dated 10 and 18 February 1965);

(v) The revision in base salaries and the incorporation therein of two and then three classes of post adjustment respectively on 1 January 1962 and 1 January 1966 (General Assembly resolutions 1658 (XVI), of 28 November 1961, and 2050 (XX), of 13 December 1965);

(vi) Periodic increases in the rates of pay for General Service, Manual Worker and Local Level staff, as described in appendix II to this report.

(d) *Contributions to medical insurance plans*

The adoption, on the recommendation of the Salary Review Committee, of major medical insurance coverage, effective 1 June 1957, and of dental insurance coverage, effective 1 March 1958; the upward adjustment from one third to one half of the Organization's subsidy rate for dental insurance premiums, effective 1 January 1965, and finally, the increase in premium rates and in staff participation in the various plans since 1954.

(e) *Compensatory payments*

The rising cost of compensation by way of death annuities and monthly benefits for incapacity resulting from injury or illness in terms of both the number and rate of annuities paid, having regard in this latter case to changes in pensionable remuneration to a half-gross and, subsequently, to a full-gross basis.

(f) *Travel and removal expenses on appointment, transfer and separation*

Considerable importance has been placed on the improvement of geographical representation in the Secretariat. This fact, coupled with the increase in the membership of the Organization, has tended to increase travel and removal costs as recruitment is progressively widened to more distant areas. Other major elements affecting costs under this heading are the increase in the number of established United Nations offices, such as ECA, the Economic and Social Office in Beirut and information centres, with consequentially higher costs; the increase in the number of fixed-term appointments from approximately 419 in 1955 to 1,491 in 1965, resulting in higher installation and travel costs on appointment and separation; the establishment during the course of 1957 of a system of assignment allowance, as recommended by the Salary Review Committee and endorsed in principle by the General Assembly in resolution 1095 (XI); and finally, upward adjustments at a number of offices of subsistence rates for installation purposes in line with the rise in the cost of living.

(g) Separation payments

The increase under this heading is directly affected by upward revisions in base salary costs and by turnover of staff.

(h) Junior professional trainees

This programme, which was first established in 1957, has as its objective the improvement of the geographical balance of the Secretariat by providing for the recruitment and training of junior professionals from Member States which are substantially under-represented in the Secretariat. Following a two-year training period, the trainee is appointed to a vacancy in the regular establishment or returns to his national service.

(i) Russian language training programme

This programme was established in 1962 for the purpose of mitigating serious difficulties in recruitment to Russian language posts in the Office of Conference Services. The programme provides for contractual arrangements with the Moscow Pedagogical Institute for Foreign Languages for the establishment of a training centre for Russian interpreters and translators.

Section 5 Travel of staff

29. Provision is made under this section of the budget to cover the travel and related subsistence costs of regular staff of the Secretariat: (a) to attend meetings held in locations away from their normal established offices for the purpose of providing substantive support and conference services; (b) for travel on official business for the purpose of consultation with Governments, institutions, and Secretariat officials at other offices overseas principally for the collection and exchange of data required in the implementation of work programmes and other activities; and (c) for travel with dependants on home leave in accordance with the entitlements as set out in the Staff Rules and Regulations.

30. Since the earliest days of the Organization every effort has been made in the interests of over-all economy to combine these various categories of travel; that is to say, staff selected for the servicing of meetings have, to the largest extent possible, been chosen from staff travelling in any case that particular year on home leave or on other official business. Despite these measures, the expenditures for all types of travel of regular staff have increased over the period under review; in fact the 1966 appropriations reflect an estimated expenditure of some \$903,000 above the corresponding level for 1954.

31. Approximately half of this increase, in the amount of some \$448,000, relates to higher expenditures in regard to travel of staff and dependants on home leave. Although the average cost of home leave travel has decreased since 1954 because of a lowering of standards of accommodation, this factor has been more than offset by the larger number of staff and dependants entitled to home leave. In 1954 the expenditures provided for some, 1,466 individuals, whereas the appropriation for 1966 provides for 2,567. The balance of the increase, in the amount of \$455,000, is a reflection in the first instance of the expansion of the annual conference programme, requiring greater travel for the attendance of staff at meetings; secondly, it is attributable to the increased activities of the Organization, notably in the economic, social, and human rights area, giving rise to increased travel of staff for the purposes of implementing the enlarged work programme. In the latter regard it should be borne in mind that during the last 12 years, as a result of the greater decentralization of the over-all work programme to the regional economic commission, the more universal activities of the Organization arising from the expansion of its membership, and to some extent the increased responsibilities of the United Nations in the field of technical assistance in general, the need for co-ordination, personal discussion, and exchange of views has become more necessary. It may also be stated that the preponderance of the additional expenditures on official travel relates to activities of direct interest and concern to the developing countries.

Section 6, Payments under annex 1, paragraphs 2 and 3, of the Staff Regulations; hospitality

32. For 1966 a total provision of \$125,000 has been made under this section for payments to Under-Secretaries and Directors in terms of annex 1, paragraphs 2 and 3, of the Staff Regulations (\$80,000); for the reimbursement of other members of the Secretariat in respect of hospitality expenditures incurred in the performance of their official duties (\$30,000); and to meet hospitality expenditures for the General Assembly and for functions honouring Chiefs of State and visiting dignitaries (\$15,000). Expenditures under the corresponding section in 1954 were limited to \$18,080 for reimbursement of hospitality costs. On this basis, there is an apparent increase of some \$107,000 in 1966, compared with 1954.

33. However, if account is taken of the fact that in 1954 the special payments to Under-Secretaries and Directors were provided for in a total amount of \$133,700 in the various departmental budgets as part of the costs of the related establishments, total comparable costs have actually decreased by some \$28,780 over the twelve-year period in spite of the fact that 52 officers at the level of Director and above are currently in receipt of such payments as compared with 39 in 1954 and in spite of the addition of \$25,000 for the other purposes now provided for under section 6. The lower rate of expenditure on special payments resulted from a general limitation introduced in conjunction with periodic changes in the salary, allowances, and benefit system, including those approved by the General Assembly in resolution 1095 (XI), of 27 February 1957.

Section 7, Buildings and improvements to premises

34. Under this section of the budget provision is made for the amortization of loans made to the United Nations for the purpose of constructing or undertaking major improvements to United Nations premises, as well as for such expenses related to the construction, improvement, and major maintenance of United Nations buildings as are borne directly by the United Nations. The annual provisions have varied considerably according to particular circumstances.

35. The increase in expenditures, amounting to approximately \$1,618,000, between the requirements in 1954 and the appropriations for 1966 is attributable principally to the fact that the annual instalment for reimbursement to the Government of the United States of America for its interest-free loan to cover the construction of the Headquarters buildings rose from \$1.5 million in 1954 to \$2.5 million in 1966. Furthermore, the 1966 appropriation includes an amount of \$1 million as an advance payment by the United Nations in respect of the requirements for the completion of the United Nations building in Santiago, Chile, subject to reimbursement by the Government of Chile. Expenditures related to major improvements and maintenance of United Nations premises in 1966 are estimated at \$860,000 whereas corresponding expenditures in 1954 amounted to approximately \$592,000. On the other hand, a significant expenditure provided for in 1954—\$650,000 for the annual payment for the acquisition by the United Nations of the permanent capital assets of the League of Nations under the terms of General Assembly resolution 250 (III), of 11 December 1948—requires no comparable provision in 1966 since the total reimbursement has since been paid in full.

36. Although difficult to estimate with any accuracy, it should generally be taken into account that expenses under this section in respect of construction and major maintenance work have been affected to a significant degree by steadily rising costs in the past 12 years in regard to both labour and supplies.

Section 8 Permanent equipment

37. Provision is made under this section for the acquisition and replacement of furniture and equipment at all offices of the United Nations other than special missions (section 16), the Office of the United Nations High Commissioner for Refugees (section 18), the International Court of Justice (section 19) and the United Nations Conference on Trade and Development (section 20).

38. The following table provides a comparison between 1954 expenditures and 1966 appropriations for the various types of expense at the various office locations:

	Headquarters		Geneva ^a		Other locations ^b	
	1954	1966	1954	1966	1954	1966
	<i>United States dollars</i>					
Furniture and fixtures	43,931	105,900	32,325	21,800	24,023	41,630
Office equipment	26,827	107,850	24,636	20,000	8,500	31,300
Internal reproduction equipment .	17,600	30,500	8,000	14,500	—	12,700
Telecommunications equipment (including equipment required by the Office of Public Information)	30,618	43,650	21,361	2,300	1,385	5,700
Transportation equipment	13,369	9,400	1,811	3,000	3,619	32,500
Other equipment	18,659	18,600	5,683	8,800	—	15,800
TOTAL	151,004	315,900	93,816	70,400	37,527	139,630

^a Including ECE.

^b Regional economic commissions, excluding ECE, and information centres.

39. The main factors determining the increase of \$243,583 are the following:

(a) During the period under review, the prices of furniture and equipment, with some exceptions, have tended to increase.

(b) Items are scheduled for replacement according to determined programmes for each item involved in order to ensure a general standard of efficiency at all times and a properly staggered pattern of expenditure. With the passage of time, however, it has become necessary to replace an increasing proportion of items which were acquired 15 to 20 years ago during the early period of the Organization's existence. A number of such items were second hand at the time of their purchase in 1946. Thus of a total appropriation of \$525,930 for 1966, an amount of \$284,360 is attributable to replacement programmes.

(c) Requirements under this section have been affected by the addition of new premises, such as ECA and new information centres, as well as the extension of existing premises and facilities notably at Headquarters and Geneva.

(d) Finally, there has been a direct relationship between requirements of permanent equipment and the number of new

posts approved through the years. Additional furniture requirements for each new post are estimated at an average of \$375, with an additional \$150 for equipment in the case of a General Service post. Thus for 1966 alone, the increase in new Professional, General Service and Local level staff approved for all offices gave rise to an additional provision under this section in the amount of \$145,000.

Section 9. Maintenance, operation and rental of premises

40. The expenditures under this section of the budget relate to the costs of contractual services, utilities, and other expenses for the day-to-day operation and maintenance of the premises occupied by the United Nations at Headquarters, Geneva, the regional economic commissions, the Economic and Social Office in Beirut, and the information centres. A comparison between the level of expenditures for these purposes in 1954 and the appropriations for 1966 reveals an increase in costs of some \$1,040,000.

41. The following summary table shows in more detail a comparison of expenditures between these two years by each main office location and by category of expense:

	<i>Contractual services</i>			<i>Utilities</i>			<i>Other expenses</i>			<i>Total</i>		
	<i>1954</i>	<i>1966</i>	<i>Increase</i>	<i>1954</i>	<i>1966</i>	<i>Increase</i>	<i>1954</i>	<i>1966</i>	<i>Increase</i>	<i>1954</i>	<i>1966</i>	<i>Increase</i>
<i>United States dollars</i>												
Headquarters	1,461,263	1,989,000	527,737	658,682	875,000	216,318	399,829	380,000	(19,829)	2,519,774	3,244,000	724,226
Geneva	62,000	98,000	36,000	47,655	102,000	54,345	37,950	84,000	46,500	147,605	284,000	136,395
Information centres	—	—	—	—	—	—	63,189	88,000	24,811	63,189	88,000	24,811
ECAFE	5,011	14,000	8,989	—	11,000	11,000	5,730	12,000	6,270	10,741	37,000	26,259
ECLA	—	11,500	11,500	—	12,500	12,500	18,479	50,000	31,521	18,479	74,000	55,521
ECA	—	32,000	32,000	—	22,000	22,000	—	9,000	9,000	—	63,000	63,000
Economic and Social Office in Beirut	—	500	500	—	300	300	—	9,200	9,200	—	10,000	10,000
TOTAL	1,528,274	2,145,000	616,726	706,337	1,022,800	316,463	525,177	632,200	107,023	2,759,788	3,800,000	1,040,212

42. It will be seen from the above table that approximately 70 per cent of the total increase occurs at Headquarters. The increased costs involved, amounting to some \$724,000, can be accounted for principally under two broad headings:

(a) An estimated amount of \$440,000 can be attributed to higher labour costs of essential contractual maintenance services, such as cleaning, electrical maintenance, elevator operation and maintenance, and telecommunications engineers, and also to higher rates for utilities, including principally electricity and steam.

(b) The balance of the increase, in the amount of \$284,000 can be accounted for by additional costs resulting either from the expansion of contractual services or from increased consumption of utilities, as proved necessary as a result of the opening of the new library building in 1962, the more intensive use of available office accommodation as the number of staff increased, and the greater use of the conference facilities as the annual conference programme grew.

43. Expenses at the United Nations Office at Geneva for 1966 show an increase of some \$136,000 over the 1954 level. While costs for both labour and utilities have increased at Geneva during this period, the increase has been far less significant than in New York. Therefore, the higher level of expenditure can be attributed rather to expanding requirements. During this period major structural alterations have been approved by the General Assembly to enlarge the conference and cafeteria facilities of the Palais des Nations. As part of this programme, an extensive air-conditioning system was installed in 1955. Furthermore, the conference activity within the Palais has shown a very substantial increase. This latter development, coupled particularly with the decision of the General Assembly to locate the permanent headquarters of UNCTAD at Geneva, has required a sizable increase in the number of staff of both a permanent and a temporary nature. All of these factors have contributed to the need to expand the basic contractual services for the maintenance and operation of the building and have led to an inevitable higher consumption of utilities and other building supplies. It has also been necessary as a result of certain of these developments to incur expenses during the last few years for the rental of office accommodation outside of the Palais.

44. The higher level of expenditures for the information centres, in the amount of some \$25,000, is due in part to the increase in the number of centres from 19 in 1954 to 47 in 1966. However, it is also attributable to higher costs for rental and maintenance of centres which were in existence in 1954. While it is not possible to account precisely for the distribution of the increase between these two factors, it could be conservatively estimated that some \$20,000 relates to rental and \$5,000 to maintenance. It has been the policy of the United Nations in more recent years to open new centres in so far as possible only where agreement exists that the host Government should provide and maintain the necessary premises at no cost to the United Nations, either on a rent-free basis or through the payment of a subsidy towards such expenses.

45. As regards the expenses of the regional economic commissions, both ECAFE and ECLA existed in 1954. The higher level of expenses for each of these commissions, in the amounts of \$26,000 and \$55,500, respectively, have arisen in part as a consequence of increases in labour costs, utilities, and other supplies but more significantly as a consequence of the need to acquire larger premises to accommodate the growing staff of these commissions. It is not possible to apportion the total increases between these two factors. It was only in 1959 that ECA was established. Therefore, the total appropriation for that Commission for 1966 in the amount of some \$63,000 represents a total increase in comparison with 1954. The same situation applies in the case of the Economic and Social Office in Beirut for which separate budget provision has been made since 1963. The 1966 appropriation for this Office totals some \$10,000.

Section 10. General expenses

46. The provision made under this section of the budget covers the cost of general supplies and services required for the execution of the work programmes of the Organization at Headquarters, Geneva, the regional economic commissions, the Economic and Social Office in Beirut and the information centres.

47. The following table provides a comparison between the level of expenditures in 1954 and the appropriation for 1966 by main category of expense at each main office of the Secretariat.

	Communications			Rental and maintenance of equipment			Public information supplies and services			Other supplies and services		
	1954	1966	Increase	1954	1966	Increase	1954	1966	Increase or (decrease)	1954	1966	Increase
	<i>United States dollars</i>											
Headquarters	517,439	821,000	303,561	63,241	585,000	521,759	746,336	1,238,000	491,664	148,473	89,200	(59,273)
Geneva	118,482	184,000	65,518	18,806	48,100	29,294	5,734	—	(5,734)	12,951	68,000	55,049
Information centres	65,114	101,000	35,886	7,510	33,000	25,490	6,692	—	(6,692)	47,617	33,000	(14,617)
ECAFE	24,812	40,200	15,388	3,714	25,000	21,286	—	—	—	4,730	8,300	3,570
ECLA	28,999	78,600	49,601	390	11,000	10,610	—	—	—	6,840	20,000	13,160
ECA	—	137,000	137,000	—	54,800	54,800	—	—	—	—	18,000	18,000
Economic and Social Office in Beirut	—	2,200	2,200	—	1,150	1,150	—	—	—	—	650	650
TOTAL	754,846	1,364,000	609,154	93,661	758,050	664,389	758,762	1,238,000	479,238	220,611	237,150	16,539

	Office and internal reproduction supplies			Library books and supplies			Total		
	1954	1966	Increase	1954	1966	Increase	1954	1966	Increase
	<i>United States dollars</i>								
Headquarters	299,202	566,000	266,798	70,688	101,000	30,312	1,845,379	3,400,200	1,554,821
Geneva	125,909	185,000	59,091	21,340	24,000	2,660	303,222	509,100	205,878
Information centres	33,571	47,500	13,929	2,275	12,500	10,225	162,779	227,000	64,221
ECAFE	7,063	26,000	18,937	4,021	9,200	5,179	44,340	108,700	64,360
ECLA	6,531	47,000	40,469	4,340	8,500	4,160	47,100	165,100	118,000
ECA	—	65,000	65,000	—	9,600	9,600	—	284,400	284,400
Economic and Social Office in Beirut	—	2,000	2,000	—	500	500	—	6,500	6,500
TOTAL	472,276	938,500	466,224	102,664	165,300	62,636	2,402,820	4,701,000	2,298,180

48. The reasons for the more significant increases which have occurred under this section are as follows:

Chapter I. Communications

As indicated in the table above, the cost of all communications has increased during this period by some \$609,000; the largest portion of the increase in the amount of \$303,000 relates to expenses at Headquarters in regard to the following services:

	<i>United States dollars</i>
Cables	83,000
Telephones	120,000
Pouches	72,000
Freight	28,000

(a) The higher costs for cable services have arisen as a result of the greater volume of cable traffic consequent upon the growth in the activities of the Organization leading to the need to rent on a 24-hour basis transatlantic submarine cable communications between Headquarters and Geneva at an annual cost of \$50,000.

(b) The higher cost for telephone services is attributable to several factors. With the growth in the staff and activities of the Secretariat, it has been necessary to supplement the number of instruments, involving added installation costs, and to pay for an increased number of local and long distance telephone calls. With the extension of the automatic dialing system, the practical possibilities of controlling the number of local calls being made over a wider geographical area has become increasingly more difficult. Thus the level of expenses in this regard has risen steadily.

(c) The increase in the level of expenses for pouch and freight services is also a reflection of the increased activities of the Organization, the growth in the conference programme and its related documentation, as well as the more universal distribution of United Nations activities and overseas offices.

(d) As regards the information centres and the regional economic commissions in Asia and the Far East and Latin America, the higher level of the expenditures is principally due to an expansion of those activities. The number of information centres has materially increased during this period from 19 in 1954 to 47 in 1966, and the staffing and work programmes of the two regional commissions in question have grown considerably. As regards ECA, since this Commission was established only in 1959, the estimated expenses for 1966 represent a gross increase.

Chapter II. Rental and maintenance of equipment

The most significant increase in the level of expenditure for these purposes has been at Headquarters, in an amount of some \$522,000. The principal reason for this increase is the decision of the General Assembly at its twentieth session to establish an international computing centre at an estimated cost of \$436,000 in 1966.

Chapter III. Public information supplies and services

The higher level of expenditure under this heading in the amount of \$480,000 may be accounted for by the following main factors:

(a) Some \$294,000 of the increase relates to the higher salaries and wages required to be paid to contractual staff for the provision of telecommunication services.

(b) Approximately \$117,000 relates to the publication costs of international material. Expenditure for this purpose, estimated at some \$117,000 in 1954, is included as part of the costs of the total contractual printing budget rather than as a separate item related to public information activities.

(c) The balance of the increase totalling some \$69,000 may be attributed to increased programme activities. In this regard, motion picture and visual information services have increased by approximately \$141,000. On the other hand, expenses related to radio services have decreased by almost \$100,000.

Chapter IV. Other supplies and services

The expense under this heading as estimated for 1966 reflects a nominal increase of \$16,000 over the corresponding level for 1954. It should be pointed out, however, that some expenses previously included under this heading have, during this period, been transferred to other sections of the budget. However, the effect of these transfers has been offset by higher costs for remaining items under this heading, in particular for the United Nations share in the costs of the Joint Medical Scheme at Geneva and in the costs for general insurance premiums.

Chapter V. Office and internal reproduction supplies

Expenditures under this heading have increased by some \$466,000 during the period under review. The principal portion of this increase has arisen at Headquarters and Geneva in the amounts of \$267,000 and \$59,000, respectively. The higher costs at these two offices are in the main due to the substantial increase which has taken place in the annual conference programme and its related documentation. Although paper prices have increased during this period, it is not possible to determine at this time how much of the total increase is due to that factor.

Chapter VI. Library books and supplies

The need for increased credits under this heading during the period 1954-1966 may be said to result from many of the developments which have taken place during that period. Since delegations make use of the library facilities, the increase of the membership has had a consequential effect. Similarly, the new and expanding work programmes in the various substantive fields have required additional library services and the acquisition of new material. With the growth of the staff of the Secretariat, there has been a corresponding increase in demands for research and reference services and material.

Section 11. Printing

49. Provision is made under this section for all contractual printing expenses, except those for the following: the International Court of Justice, the Office of the United Nations High Commissioner for Refugees, special meetings and conferences as provided for under section 2 of the budget, special missions, UNCTAD, and booklets, pamphlets, leaflets and similar information material distributed as part of the public information programme and as provided for under section 10.

50. While a comparison of the 1954 expenditures with 1966 appropriations reveals an apparent increase of some \$360,000, the real increase under this heading is closer to \$800,000. This apparent discrepancy is due to the fact that since 1954, as a consequence of detailed studies undertaken by the Office of Conference Services, the facilities of the internal reproduction service have been improved by the acquisition of new equipment and the introduction of more modern production procedures, thus permitting this service to reproduce an increasing volume of publications which would otherwise have had to be printed externally at far greater cost. The full capacity of the reproduction service is now used not only to meet the immediate parliamentary requirements, but also to alleviate as much as possible the general printing expenses of the Organization. For example, in 1966 it is estimated that official publications which would have cost the Organization some \$450,000 if printed externally, will be done within the existing capacity of the reproduction service at no additional cost.

51. The following table provides a more detailed analysis of the expenditures under this section during the period 1954 to 1966:

Chapter	1954	1966	Increase or (decrease)
	expenditures	appropriation	
	United States dollars		
I. Official Records	684,486	1,020,615	336,129
II. Recurrent publications	491,562	778,275	568,913
III. Studies and reports			
IV. Office of Public Information	218,005	98,400	(119,605)
— Sales promotion	24,275	—	(24,275)
V. Permanent Central Narcotics Board and Drug Supervisory Body	—	18,860	18,860
VI. Other contractual printing	17,016	51,650	34,634
VII. Deduction for internal reproduction	—	(450,000)	(450,000)
TOTAL	1,435,344	1,800,000	364,656

52. The increased costs reflected in the above table, particularly in regard to printing of official records, recurrent publications and studies and reports, are due principally to the following factors:

(a) Prices paid for contractual printing by the United Nations have risen by some 45 per cent during this period. The increased expenditures have been partially offset by continued efforts to undertake such printing on the widest possible geographical scale at the lowest competitive prices. As an illustration, in 1964 approximately 60 per cent of the total expenditures for contractual printing was incurred in the following countries or areas in order to take advantage of the lowest possible prices:

Country or area	Expenditure in 1964	Percentage
	United States dollars	
Canada	93,210	5.10
Belgium	130,580	7.15
France	255,387	13.97
Switzerland	199,993	10.94
Netherlands	25,804	1.41
United Kingdom of Great Britain and Northern Ireland	78,301	4.28
Czechoslovakia and Yugoslavia ..	10,173	0.56
Asia	67,966	3.72
Latin America	59,541	3.26
Middle East and Africa	33,158	1.81
Union of Soviet Socialist Republics	147,315	8.06
TOTAL	1,101,428	60.26

(b) The growth in the membership of the Organization has resulted in a significant increase in the number of copies of documents and publications required.

(c) The growth in the annual conference programme and in the activities of the Organization, particularly in the economic and social fields, has had a direct effect on the volume of documentation produced. In this regard actual expenditures in 1954 for the printing of publications emanating from Headquarters and the four regional economic commissions amounted to approximately \$370,000, whereas in 1966 provision has been made in an amount of some \$860,000. Furthermore, this increase of almost \$500,000 might be said to relate principally to publications of particular interest to the developing countries.

Section 12. Special expenses

53. The items provided for under this section in the 1966 budget had no counterparts in 1954, except for the contribution to the United Nations International School in the amount of \$7,400 and costs similar to those of the Triangular Fellowship Programme in the amount of \$11,401. Thus the 1966 appropriation of \$8,885,800 constitutes almost a total increase as compared with the 1954 level of expenditure.

54. The expenses foreseen for 1966 relate to the following activities:

	United States dollars
Maintenance of the United Nations Memorial Cemetery in Korea	40,800
Contribution to the United Nations International School	57,000
Special training programmes for South West Africans	50,000
Special training programme for Territories under Portuguese administration	50,000
Triangular Fellowship Programme of the Office of Public Information	20,000
Repayment of the principal and interest due on the United Nations bond issue	8,668,000
TOTAL	8,885,800

55. Of the above expenses, some \$100,000 relating to the two training programmes for South West Africans and for the inhabitants of Territories under Portuguese administration might be considered as of benefit to the developing countries.

Section 13. Economic development, social activities and public administration

Section 14. Human rights advisory services

Section 15. Narcotic drugs control

56. Provision is made under these sections for that share of the total programme of technical co-operation which is financed from the regular budget of the United Nations.

57. In 1954, the total expenditures incurred for this purpose amounted to \$1,392,900. This sum was exclusive of assistance in the fields of human rights advisory services (General Assembly resolution 926 (X), of 14 December 1955), and narcotic drugs control (General Assembly resolution 1395 (XIV), of 20 November 1959) which programmes did not begin until 1956 and 1960, respectively. Taking into consideration the introduction of these programmes as well as the subsequent addition of the programme relating to operational, executive and administrative personnel (OPEX) (General Assembly resolution 1530 (XV), of 15 December 1960), coupled with general increases in the basic programmes, raised the initial budget proposals to a level of \$2,455,000 by 1961. In accordance with General Assembly resolution 1527 (VX), of 15 December 1960, the level of programme was once more raised to meet the ever-increasing needs of the newly independent and emerging States. By 1963, the appropriation totalled \$6,400,000, which level has been maintained through 1966.

Section 16. Special missions

58. The following table sets out in detail a comparison between the 1954 expenditures and the 1966 appropriations for all activities included under this section of the budget:

	1954 expenditures	1966 appropriation	Increase or (decrease)
<i>United States dollars</i>			
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration	143,608	—	(143,608)
United Nations Tribunal in Libya	97,540	—	(97,540)
UNMOGIP	472,691	2,046,600	1,573,909
Repatriation of Greek children	6,700	—	(6,700)
United Nations Conciliation Commission for Palestine	50,074	16,450	(33,624)
Korean service medals	152,518	—	(152,518)
UNTSO	591,112	1,805,400	1,214,288
UNCURK	157,878	123,100	(34,778)
United Nations Military Observers in Greece	42,787	—	(42,787)
United Nations Tribunal in Eritrea	14,137	—	(14,137)
United Nations Representative for India and Pakistan	36,554	40,600	4,046
United Nations Commission on the Racial Situation in the Union of South Africa	24,288	—	(24,288)
United Nations Commission for Indonesia	3,150	—	(3,150)
Office of the Special Representative of the Secretary-General in Amman	—	25,140	25,140
Replacement of staff assigned to field missions	127,143	130,700	3,557
Other Special Missions (Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples)	—	130,000	130,000
TOTAL	1,920,180	4,317,990	2,397,810

59. The level of the expenses under this section is determined in the main by specific activities to be undertaken in response to resolutions adopted by the Security Council or the General Assembly. As a consequence, it is subject to variation over the years. The level of expense is of course also influenced by rising costs during the 12-year period in respect of military observers and other supporting staff and related equipment, supplies, and services. However, it is not possible to estimate what portion of the increased expenditures for UNTSO and UNMOGIP activities which were in existence in 1954 and remain operative in 1966 is due to this factor and what portion is in fact due to the need to strengthen these same activities because of recent political developments.

Section 17. United Nations Field Service

60. The United Nations Field Service comprises a separate category of administrative and technical staff specially trained

for service with special missions and related activities. This staff includes security and general duty personnel, special financial and clerical personnel, vehicle operators and mechanics, radio operators and technicians and administrative assistants. The expenditures under this section relate only to those members of the Field Service who are assigned to missions financed from the regular budget. Costs in respect of members serving with UNEF and UNFICYP are charged to the special extra-budgetary accounts maintained for those two operations; costs in respect of members seconded to the field offices of the Technical Assistance Board and the Special Fund are met from the separate voluntary funds involved. The duty stations and functions of the staff provided for under this section in 1966 are indicated in the following table:

Duty station	Administrative assistants	Radio operators and technicians	Vehicle operators and mechanics	Clerks and secretaries	Security and general duty personnel	Total
UNTSO	4	43	15	16	89	167
UNMOGIP	2	16	2	6	—	26
UNCURK	1	1	—	3	—	5
Office of the Special Representative of the Secretary-General in Amman ...	—	—	—	1	—	1
United Nations Memorial Cemetery in Korea	—	—	—	—	3	3
United Nations Office at Geneva	—	9 ^a	—	—	—	9
ECA	—	2 ^a	—	—	—	2

Table (continued)

Duty station	Administrative assistants	Radio operators and technicians	Vehicle operators and mechanics	Clerks and secretaries	Security and general duty personnel	Total
ECAFE	—	3 ^a	—	—	—	3
Other ^b	1	2	—	—	—	3
TOTAL	8	76	17	26	92	219

^a Radio personnel involved in the operation and maintenance of the United Nations radio network.

^b One administrative assistant in training and not yet assigned to the field; two radio operators assigned to the United Nations Relief and Works Agency for Palestine Refugees in the Near East on a reimbursable basis.

The total number of posts shown for 1966, compared with those approved for 1954, reflects an increase of 100.

61. The following summary table shows a comparison between actual expenditures for 1954 and appropriations for 1966 by main category of expenditure:

	1954 expenditures	1966 appropriation	Increase
	United States dollars		
I. Established posts..	315,363	1,268,000	952,637
II. Common staff costs	147,385	814,000	666,615
III. General expenses..	12,640	24,200	11,560
TOTAL	475,388	2,106,200	1,630,812

62. The increase in the level of expenditures for established posts between the years 1954 and 1966 in the amount of some \$952,000 can be attributed to two factors:

(a) The higher costs, estimated at \$374,000, for maintaining in 1966 the same staff establishment as was approved for 1954. These higher costs are due to increases in salary rates which have taken place during this period, specifically in the years 1956, 1958, 1962, 1964 and 1965. Certain of these salary adjustments were made in order to consolidate within the salary structure the payment of other allowances, particularly in regard to service in the field.

(b) The increased cost, estimated at \$579,000, resulting from the need to increase the staff of the United Nations Field Service from 119 posts in 1954 to 219 in 1966.

63. The increase in the amount of some \$666,000 in the level of expenses for common staff costs arises as a consequence of a number of factors such as:

(a) An increase in the number of married staff and dependent children;

(b) An increase in the number of children of school age and, therefore, exercising entitlement to education grant and related travel;

(c) An increase in the number of staff participating in the United Nations Joint Staff Pension Fund coupled with an increase in the contribution made by the United Nations to the Fund consequent to decisions of the General Assembly to place the pensionable remuneration of staff first on a half-gross and subsequently on a full-gross basis in 1961 and 1965, respectively;

(d) An increase in the number of staff participating in the medical insurance schemes;

(e) Higher costs in regard to the travel on recruitment, transfer and separation of staff and their dependants;

(f) An increase in the number of staff members and their dependants entitled to travel on home leave.

Although a precise calculation is not possible, it is estimated that of the total increase of \$666,000, some \$220,000 relates to higher salary costs and improvements in staff allowances and other benefits as approved by the General Assembly, and \$446,000 to an expansion of the size of the Field Service.

Section 18. Office of the United Nations High Commissioner for Refugees

64. This section of the budget provides for the administrative costs of the Office of the United Nations High Commissioner for Refugees. The activities of this Office relating to the international protection of refugees, assistance to refugees in Africa and Asia, and material assistance programmes, are financed from voluntary funds made available to the High Commissioner. Since 1959, a grant-in-aid from voluntary funds has been made towards administrative costs included under this section. This grant-in-aid is reflected in income section 2 (Funds provided from extra-budgetary accounts).

65. The following table provides a comparison between 1954 expenses and the 1966 appropriation under this section:

Chapter	1954 expenses	1966 appropriation	Increase
	United States dollars		
I. Salaries and wages	545,557	2,157,800	1,612,243
II. Travel of staff	40,215	165,000	124,785
III. Common staff costs	53,530	464,000	410,470
IV. Public information activities	—	26,000	26,000
V. Hospitality	—	4,000	4,000
VI. General expenses and supplies	29,734	169,000	139,266
VII. Permanent equipment	3,899	16,000	12,101
VIII. Contractual printing	4,071	10,000	5,929
TOTAL	677,006	3,011,800	2,334,794

66. It will be seen from the foregoing that the major portion of the increase totalling some \$2,335,000 relates to staff costs, namely salaries and wages, travel of staff and common staff costs.

Salaries and wages

67. Since 1954, established posts costs have risen by some \$1,529,000, temporary assistance and consultants by some \$81,000 and overtime and night differential by a further \$2,200, for a total of \$1,612,200. As explained in detail under Section 3, (Salaries and wages) these higher costs are in part attributable to upward revisions in post adjustments for Professional staff and above, and in base salary rates for both Professional and General Service staff. It is estimated that costs on this latter account have risen by \$406,000.

68. The following table provides a comparison, by level, of the establishment approved for 1954 with that approved for 1966:

Category and level	1954	1966	Increase
I. High Commissioner	1	1	—
Deputy High Commissioner ...	1	1	—
Director	—	2	2
Principal Officer	3	4	1
TOTAL, I	5	8	3
II. Professional:			
Senior Officer	8	13	5
First Officer	9	18	9
Second Officer	9	22	13
Associate and Assistant Officer	14	36	22
TOTAL, II	40	89	49
TOTAL, I and II	45	97	52
III. General Service	62	174	112
TOTAL, I, II and III	107	271	164

As will be seen from the above table, the increase in the establishment over the period from 1954 to 1966 amounted to 52 posts in the Professional and higher levels and 112 posts in the General Service category. It is estimated that the cost of these additional posts, including increases in salary and post-adjustment rates, totals \$1,123,000. In comparing the establishment approved for 1954 and 1966, however, it should be noted that:

(a) In 1959, 31 Professional and 70 General Service posts, previously financed by voluntary funds, were consolidated into the regular budget;

(b) In 1966 a further 11 Professional and 28 General Service posts were similarly consolidated into the regular budget.

Travel of staff

69. The increase of some \$125,000 under this chapter is attributable to the wider range of activities covered by the Office of the High Commissioner, particularly in the African and Asian areas, and also to the need to increase the number of branches from 10 in 1954 to 24 in 1966.

Common staff costs

70. The higher level of costs under this heading is attributable both to the growth in the establishment as well as to upward revisions in allowances and other staff benefits which have been approved by the General Assembly and as enumerated under Section 4 (Common staff costs). Of the total increase of some \$410,000 for common staff costs, approximately \$158,000 relates to the cost of maintaining the establishment approved for 1954 and \$252,000 to added requirements since that year.

Section 19. International Court of Justice

71. Provision is made under this section of the budget to cover the costs of the International Court of Justice. The following table provides a comparison between the 1954 expenses and the 1966 appropriation by main category of expense:

Chapter	1954 expenditures	1966 appropriation United States dollars	Increase
I. Salaries and expenses of members of the Court	321,983	553,550	231,567
II. Salaries, wages and expenses of the Registry	178,590	426,120	247,530
III. Common services	51,499	77,930	26,431
IV. Permanent equipment	5,584	16,500	10,916
TOTAL	557,656	1,074,100	516,444

72. The increase estimated at some \$231,000 in expenditure in 1966 as compared to 1954, for salaries and expenses of members of the Court accounted for mainly by the following:

(a) An increase in the salaries and allowances paid to members of the Court, estimated at \$77,000;

(b) An increase in pension payments in the amount of \$123,900; and

(c) Higher costs in regard to travel on home leave in the amount of \$17,000.

73. As indicated in the above table, the level of expenditures for salaries, wages and other expenses of the Registry of the Court reflect an increase of some \$247,000 in 1966 above the corresponding level in 1954. Of this increase, some \$144,000 may be attributed to the higher costs of salaries and related allowances which have taken place during this period; the staffing establishment of the Registry has increased by only one Professional category post. Some \$35,000 represents an increase in the level of expenses for temporary staff which has been necessitated principally by the considerable number of additional sessions held by the Court over the past several years. The balance of the increase in the amount of some \$68,000 relates to higher costs in regard to the Organization's contributions to the United Nations Joint Staff Pension Fund as

a consequence of decisions of the General Assembly to place pensionable remuneration of staff on a half-gross, and subsequently on a full-gross, basis in the years 1961 and 1966, respectively, to higher payments of dependency allowances, and to increased expenditures in regard to travel on home leave and travel on official business.

74. The higher level of expenditures as shown for 1966 in respect of common services and permanent equipment, in the amounts of \$26,000 and \$11,000 respectively, are in the main due to the expanding activities of the Court.

Section 20. United Nations Conference on Trade and Development

75. Provision is made under this section for all expenses related to UNCTAD, which was established as an organ of the General Assembly by resolution 1995 (XIX), of 30 December 1964, in accordance with the provisions of the Final Act of the United Nations Conference on Trade and Development, held in Geneva from 23 March to 15 June 1964. It represents an entirely new category of expense for which there was no counterpart in 1954. To date it has required budgetary provision in the amount of \$2,779,600 for 1965 and \$5,971,500 for 1966.

Appendix I

GROWTH IN UNITED NATIONS MEMBERSHIP DURING THE PERIOD 1954-1966

<i>Member States, 1954</i>	60
Afghanistan	Lebanon
Argentina	Liberia
Australia	Luxembourg
Belgium	Mexico
Bolivia	Netherlands
Brazil	New Zealand
Burma	Nicaragua
Byelorussian Soviet Socialist Republic	Norway
Canada	Pakistan
Chile	Panama
China	Paraguay
Colombia	Peru
Costa Rica	Philippines
Cuba	Poland
Czechoslovakia	Saudi Arabia
Denmark	South Africa
Dominican Republic	Sweden
Ecuador	Syria ^a
Egypt ^a	Thailand
El Salvador	Turkey
Ethiopia	Ukrainian Soviet Socialist Republic
France	Union of Soviet Socialist Republics
Greece	United Kingdom of Great Britain and Northern Ireland
Guatemala	Ireland
Haiti	United States of America
Honduras	Uruguay
Iceland	Venezuela
India	Yemen
Indonesia	Yugoslavia
Iran	
Iraq	
Israel	
<i>New Member States, 1955</i>	16
Albania	Italy
Austria	Jordan
Bulgaria	Laos
Cambodia	Libya
Ceylon	Nepal
Finland	Portugal
Hungary	Romania
Ireland	Spain
<i>New Member States, 1956</i>	4
Japan	Sudan
Morocco	Tunisia
<i>New Member States, 1957</i>	2
Ghana	Malaysia
<i>New Member States, 1958</i>	1
Guinea	United Arab Republic ^a
<i>New Member States, 1959</i>	0
<i>New Member States, 1960</i>	17
Cameroon	Ivory Coast
Central African Republic	Madagascar
Chad	Mali
Congo (Brazzaville)	Niger
Congo (Democratic Republic of the)	Nigeria
Cyprus	Senegal
Dahomey	Somalia
Gabon	Togo
	Upper Volta

^a Egypt and Syria formed the United Arab Republic in 1958. Syria reverted to single membership in 1961. These facts are reflected in the data shown under the years 1958 and 1961 for accuracy of record only but are not included in the total number of new Member States for those years.

<i>New Member States, 1961</i>	3
Mauritania	Syria ^a
Mongolia	Tanganyika ^b
Sierra Leone	
<i>New Member States, 1962</i>	6
Algeria	Rwanda
Burundi	Trinidad and Tobago
Jamaica	Uganda
<i>New Member States, 1963</i>	2
Kenya	Zanzibar ^b
Kuwait	
<i>New Member States, 1964</i>	4
Malawi	United Republic of Tanzania ^b
Malta	Zambia
<i>New Member States, 1965</i>	3
Gambia	Singapore
Maldivé Islands	
<i>Withdrawal from membership, 1965</i>	(1)
Indonesia	
TOTAL NUMBER OF STATES MEMBERS OF THE UNITED NATIONS IN 1966	117

Appendix II

AVERAGE INCREASES IN BASE SALARIES AND COST OF LIVING OR POST ADJUSTMENT RATES AT HEADQUARTERS AND GENEVA SINCE 1954

Professional category and above

(a) *Headquarters*

Payable in 1954	7.5 per cent cost-of-living adjustment on gross salary, subject to a maximum of \$750 and a minimum of \$300
1 January 1956	Cost-of-living adjustment increased to 10 per cent on gross salary, subject to a maximum of \$1,000 and a minimum of \$400
1 January 1957	Post-adjustment system introduced in lieu of cost-of-living adjustment
1 January 1957	Post classification 5 (plus 20 per cent)
1 January 1959	Post classification 6 (plus 25 per cent)
1 January 1960	Post classification 7 (plus 30 per cent)
1 June 1961	Post classification 8 (plus 35 per cent)
1 January 1962	Revision in base salaries and post adjustments resulting in a new post adjustment of class 4 (plus 20 per cent)
1 January 1963	Post classification 5 (plus 25 per cent)
1 January 1965	Post classification 6 (plus 30 per cent)
1 June 1965	Post classification 7 (plus 35 per cent)
1 January 1966	Revision in base salaries and post adjustments resulting in a new post classification of class 4 (plus 20 per cent)

(b) *Geneva*

1954	Base salary—no differential
1 January 1957	Post-adjustment system introduced in lieu of cost-of-living adjustment
1 January 1957	Post classification 1
1 August 1957	Post classification 2 (plus 5 per cent)
1 May 1960	Post classification 3 (plus 10 per cent)
1 November 1961	Post classification 4 (plus 15 per cent)
1 January 1962	Revision in base salaries and post adjustments resulting in a new post classification base of class 1 (plus 5 per cent)
1 November 1962	Post classification 2 (plus 10 per cent)
1 January 1964	Post classification 3 (plus 15 per cent)
1 May 1965	Post classification 4 (plus 20 per cent)

^b Tanganyika and Zanzibar formed the United Republic of Tanzania in 1964; they are shown as new Member States under 1961 and 1963, respectively, for accuracy of record only but are not included in the total number of Member States for those years.

1 January 1966 Revision in base salaries and post adjustments resulting in a new post classification base of class 1 (plus 5 per cent)

General Service and Manual Worker categories

(c) *General Service at Headquarters*

Payable in 1954 7.5 per cent cost-of-living adjustment on gross salary, subject to a maximum of \$750 and a minimum of \$300

1 January 1956 Cost-of-living adjustment increased to 10 per cent on gross salary, subject to a maximum of \$1,000 and a minimum of \$400 (plus 2.3 to 4 per cent)

1 January 1957 Consolidation of cost-of-living adjustment in a revised base salary scale (plus 6.5 to 6.8 per cent)

Further revisions in base salary scales on:

1 January 1958 ... Plus 5 per cent

1 October 1959 ... Plus 5 per cent

1 October 1960 ... Plus 5 per cent

1 October 1962 ... Flat increase of \$240 (plus 2.7 to 6.5 per cent)

1 January 1964 ... Plus 5 per cent

1 March 1965 Plus 4.5 to 5 per cent

(d) *Manual Worker, Headquarters*

Revised base salary scales on:

1 January 1955 ... Plus 3.4 per cent

1 January 1956 ... Plus 4 per cent

1 January 1957 ... Plus 5 per cent

1 January 1958 ... Plus 5.1 per cent

1 January 1959 ... Plus 5 per cent

1 April 1960 Plus 4 per cent

1 April 1961 Plus 3.9 per cent

1 April 1962 Plus 5.5 per cent

1 April 1963 Plus 4.6 per cent

1 April 1964 Plus 4.5 per cent

1 April 1965 Plus 4.6 per cent

1 April 1966 Projected at 4.5 per cent in the budget estimates for 1966

(e) *General Service and Manual Worker categories at Geneva*

Payable in 1954 5 per cent cost-of-living adjustment on gross salary

1 January 1957 Consolidation of cost-of-living adjustment in a revised base salary (plus 0.1 to 6.4 per cent)

1 January 1958 Plus 5.3 to 8.2 per cent

1 May 1960 Plus 5.5 per cent

1 May 1961 Plus 6.6 per cent

1 January 1962 Plus 9.7 per cent

1 March 1963 Plus 4.9 per cent

1 September 1963 ... Plus 4.7 per cent

1 May 1964 Plus 4.5 per cent

1 March 1965 Plus 4.3 per cent

1 July 1965 Plus 4.1 per cent

Appendix III

ESTABLISHED POSTS (1954-1966)

The following statement shows the number of established posts approved in the Professional and higher levels (excluding the posts of Secretary-General) and the General Service and Local level categories under section 3 (Salaries and wages) of the United Nations budget for each year from 1954 to 1966.

Category		1954	1955	1956	1957	1958	1959 ^a	1960 ^b	1961 ^c	1962 ^d	1963	1964 ^e	1965 ^f	1966
Headquarters	Professional	1,288	1,232	1,168	1,151	1,169	1,243	1,201	1,206 (17)	1,204 (32)	1,283	1,291 (18)	1,343 (6)	1,461
	General Service	1,553	1,497	1,448	1,402	1,415	1,510	1,546	1,646	1,664 (17)	1,760	1,756 (18)	1,837 (1)	1,916
	Local Level									3 ^g	3 ^g			
Geneva	Professional	211	207	218	221	229	230	262	264 (1)	270 (4)	293	296	301	324
	General Service	456	459	454	456	460	470	497	514	515 (5)	543	543 (4)	564	584
Information centres	Professional	38	38	38	49	49	49	49	56	56	61	61	61	61
	Local Level	36	36	39	105	103	103	112	143	163	190	214	230	230
ECAFE	Professional	54	57	59	79	83	83	84	87 (6)	88 (12)	108	108	108	123
	Local Level	100	97	97	122	125	125	142	147 (5)	147 (9)	165	165	185	199
ECLA	Professional	57	62	64	80	83	83	85	90 (9)	89 (17)	111	110	122	130
	Local Level	76	95	95	100	113	113	123	138	138 (8)	162	180	211	228
ECA	Professional	—	—	—	—	—	28	50	69	94	113	117	123	134
	Local Level	—	—	—	—	—	30	64	97	142	167	175	220	235
Economic and Social Office in Beirut	Professional	—	—	—	—	—	—	—	—	3 (1)	6	6 (3)	9	12
	Local Level	—	—	—	—	—	—	—	—	3	3	6 (4)	10	14
TOTAL	Professional	1,648	1,596	1,547	1,580	1,613	1,716	1,731	1,772 (33)	1,804 (66)	1,975	1,989 (21)	2,067 (6)	2,245
	General Service	2,009	1,956	1,902	1,858	1,875	1,980	2,043	2,160	2,179 (22)	2,303	2,299 (22)	2,401 (1)	2,500
	Local Level	212	228	231	327	341	371	441	525 (5)	596 (17)	690	740 (4)	856	906

Appendix III (continued)

Category	1954	1955	1956	1957	1958	1959 ^a	1960 ^b	1961 ^c	1962 ^d	1963	1964 ^e	1965 ^e	1966
<i>Posts either excluded or only partly financed under the expenditure estimates during the years shown:</i>													
Technical Assistance Administration	Professional	69	58	57	65	65							
	General Service	93	77	78	99	99							
Revenue-producing activities	Professional				ii	ii	iu	12					
	General Service				65	74	78	77					
GRAND TOTAL	Professional	1,717	1,654	1,604	1,656	1,689	1,726	1,743	1,772 (33)	1,804 (66)	1,975	1,989 (21)	2,067 (6)
	General Service	2,102	2,033	1,980	2,022	2,048	2,058	2,120	2,160	2,179 (22)	2,303	2,299 (22)	2,401 (1)
	Local Level	212	228	231	327	341	371	441	525 (5)	596 (17)	690	740 (4)	906

^a Provides for the inclusion of posts relating to administrative and operational services for the Technical Assistance Administration. Prior to 1959, the costs of posts for these purposes were financed in the main as a direct charge to the Special Account of the

Expanded Programme. From 1959 onward these posts were incorporated in the regular budget, as follows:

	Professional	General Service
Department of Economic and Social Affairs	58	78
Office of the Controller	—	9
Office of Personnel	7	12
TOTAL	65	99

^b Includes 7 General Service posts transferred from the Office of the United Nations High Commissioner for Refugees (6 in the Administrative and Financial Services and 1 in the Internal Audit Service, at Geneva).

^c (i) Includes 1 Professional and 3 General Service posts for the Office of the Controller for the servicing of the Technical Assistance Board against a lump-sum reimbursement from the Board; these posts were previously financed as a direct charge to the TAB budget.

(ii) The bracketed figures indicated additional provisional posts provided under chapter II (Temporary assistance for meetings) (25 Professional), posts provided under Chapter V (Special Technical posts) (6 Professionals), and posts provided under Chapter VI (Office of the Executive Agent (Lower Mekong River Basin Development Project)) (2 Professional and 5 Local Level); these provisions were approved as established posts in 1963.

(iii) Includes 13 General Service posts for reproduction services at Geneva, previously provided for under Section II (Printing).

^d The bracketed figures indicate additional provisional post (58 Professional) and 22 General Service), special technical posts (6 Professional) and posts relating to the Office of the Executive Agent (Lower Mekong River Basin Development Project) (2 Profes-

sional and 5 Local Level); these provisions were approved as established posts in 1963.

^e Provides for the Technical Assistance Recruitment Service, Paris; this office was subsequently transferred to Geneva with provision made for General Service posts.

^f (i) The bracketed figures represent those additional temporary posts, first approved for 1964, which were converted into established posts in 1965 and 1966.

(ii) The established posts for Headquarters for 1964 reflect the transfer to Section 13 (Economic Development), of the 6 special technical posts approved as established posts for 1963 and the transfer from section 13 of posts provided under that section for the Public Administration function (6 Professional posts at lower levels and 6 General Service posts).

(iii) Includes 18 Local Level custodial staff for ECLA previously provided for under Section 9 (Maintenance, operation and rental of premises).

^g (i) The bracketed figures in the 1965 column represent remaining additional temporary posts approved for 1965 under chapter III (Other temporary assistance) and converted into established posts in 1966.

(ii) The established posts for Headquarters for 1965 reflect the transfer of 12 Professional and 8 General Service posts to Section 20 (United Nations Conference on Trade and Development).

DOCUMENT A/6343

Second report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies[Original text: English]
[19 July 1966]

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LETTER OF TRANSMITTAL

19 July 1966

Sir,

In accordance with paragraphs 6 and 7 of General Assembly resolution 2049 (XX), of 13 December 1965, I have the honour to transmit to you the report of the *Ad Hoc* Committee of Experts.

I should be grateful if you could transmit this report to the General Assembly at its twenty-first session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mario MAJOLI

Ambassador,

Chairman of the Ad Hoc Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies

His Excellency

U Thant

Secretary-General of the United Nations

United Nations

New York

I. INTRODUCTION

1. The *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies was established by General Assembly resolution 2049 (XX), of 13 December 1965, which reads as follows:

"The General Assembly,

"Considering that, because of the financial difficulties of the United Nations and the many and varied measures taken to overcome them, Member States should have available to them information giving a clear and accurate picture of the financial situation of the Organization, including in particular a detailed description of its commitments,

"Considering that, independently of the problems created by certain peace-keeping operations which affect the finances of the United Nations, the magnitude of the amounts henceforth placed at the disposal of the Organization, the specialized agencies and the International Atomic Energy Agency, either under their regular budgets or in the form of funds constituted from voluntary contributions, requires a detailed examination of the procedures for preparing and approving the budgets and a review of the procedures for controlling the execution thereof,

"Considering that, without encroaching on the autonomy of the specialized agencies, the General Assembly is competent, under Article 17, paragraph 3, of the Charter of the United Nations and under the agreements concluded between the United Nations, on the one hand, and the specialized agencies and the International Atomic Energy Agency, on the other, to carry out an over-all examination of the budgets of the United Nations and the agencies, with particular reference to:

"(a) Means of comparing and, if possible, standardizing the different budgets, in order to enable the activities covered therein to be rationalized;

"(b) Means of ensuring that the activities of the United Nations and the agencies brought into relationship with it under Articles 57 and 63 of the Charter are pursued in the most effective and economical manner, with the greatest regard to development needs and the costs that Member States have to bear as a result of these activities,

"1. Decides to establish an *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, consisting of fourteen Member States;

"2. Requests the President of the General Assembly, upon the adoption of the present resolution,

to designate the Member States which will compose the *Ad Hoc* Committee, choosing them on an equitable geographical basis;

"3. Requests the members of the *Ad Hoc* Committee to appoint, as soon as possible and not later than the end of the present session, such experts as they deem best qualified to perform the functions listed in paragraphs 5 and 6 below;

"4. Requests the Secretary-General to:

"(a) Draw up an analysis of the finances of the United Nations, showing the actual expenditure by type of activity, including the amount of expenditure committed for the different peace-keeping operations since their inception, the resources utilized to meet them and, where applicable, the debts contracted by the United Nations;

"(b) Prepare, on the basis of the work mentioned in sub-paragraph (a) above, a complete statement of the financial situation of the Organization as at 30 September 1965;

"(c) Deliver the document in question to the members of the *Ad Hoc* Committee, as soon as the experts have been appointed, and transmit it at the same time to other Member States;

"5. Invites the *Ad Hoc* Committee to examine the document delivered to it by the Secretary-General and, after asking, if necessary, for any additional information it considers useful, to transmit its comments, through the Secretary-General, to Member States at the earliest possible date and by 31 March 1966 at the latest;

"6. Further invites the *Ad Hoc* Committee to:

"(a) Examine, with the assistance of the Advisory Committee on Administrative and Budgetary Questions and in liaison with the Secretary-General and the executive heads of the specialized agencies and of the International Atomic Energy Agency, the entire range of the budgetary problems of the United Nations and the organizations brought into relationship with it, notably their administrative and budgetary procedures, the means of comparing and, if possible, standardizing their budgets and the financial aspect of their expansion, with a view to avoiding needless expenditure, particularly expenditure resulting from duplication;

"(b) Submit to the General Assembly at its twenty-first session, without prejudice to the terms of reference of the Special Committee on Peace-keeping Operations, such recommendations as it may deem appropriate, in order, on the one hand, to secure better utilization of the funds available through rationalization and more thorough co-ordination of the activities of the organizations and, on the other, to ensure that any expansion of those activities takes into account both the needs they are intended to meet and the costs Member States will have to bear as a result;

"7. Invites the Secretary-General of the United Nations and the executive heads of the specialized agencies and of the International Atomic Energy Agency to give the *Ad Hoc* Committee whatever assistance it may require in carrying out its work."

2. The Committee was composed of the following fourteen Member States designated on 21 December 1965 by the President of the General Assembly: Argentina, Brazil, Canada, France, Hungary, India, Italy, Japan, Nigeria, Senegal, Union of Soviet Socialist Re-

publics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and United States of America. A list of the representatives, alternative representatives and advisers at the three sessions of the *Ad Hoc* Committee is given in annex I below.

3. The Committee elected Mr. Mario Majoli (Italy) Chairman, Mr. Károly Csatorday (Hungary) First Vice-Chairman, and Mr. Ménoumbé Sar (Senegal) Second Vice-Chairman.

4. The Committee held three sessions, the first in New York from 2 February to 25 March 1966, the second in Geneva from 19 April to 6 May 1966, and the third in New York from 6 June to 19 July 1966. In addition to plenary meetings of the Committee, which were held between these dates, a working group of the whole met in New York from 31 May to 3 June, and other working and drafting groups were established as necessary, more particularly during the closing stages of the Committee's work.

5. At its first session, during which it held 27 plenary meetings, the Committee directed its attention mainly to an analysis of the finances of the United Nations and to the financial situation of the Organization as at 30 September 1965, in accordance with paragraph 5 of General Assembly resolution 2049 (XX). The Committee's report on these matters was addressed by its Chairman to the Secretary-General on 26 March 1966 and is contained in document A/6289.

6. Also during its first session, the Committee had a preliminary exchange with the Directors-General of FAO, UNESCO and WHO, the Secretaries-General of ICAO, WMO, and IMCO, the Deputy Director-General of UPU and representatives of the ILO and IAEA, and practical arrangements were agreed upon for the work to be undertaken during the second session to be held in Geneva.

7. As required by General Assembly resolution 2049 (XX), paragraph 6, sub-paragraph (a), the Committee performed the task set forth in that paragraph with the assistance of the Chairman of the Advisory Committee on Administrative and Budgetary Questions and in liaison with the Secretary-General and the executive heads of the specialized agencies and IAEA. It received from them written replies to a questionnaire (see annex II) and had detailed discussions with them or their representatives on the entire range of budgetary problems. The Committee also received submissions from members, both oral and in writing.

8. The Committee's second session was held at the Palais des Nations at Geneva, from 19 April to 6 May 1966. It held 25 plenary meetings. At its first meeting it agreed on a list of points upon which it might focus attention. These were:

(a) Possibility for each specialized agency to develop its long-term planning geared to agreed objectives prepared on a programme basis, taking into account both the availability of resources, human and financial, as well as the needs of the developing countries;

(b) Possibility of Governments of member States receiving the information necessary, and as far as possible on a comparative basis, on the operation and impact of the activities of the agencies, including those carried on in the field, to facilitate evaluation by the appropriate bodies;

(c) Possibility of standardizing budget presentation and devising methods for facilitating comparison;

(d) Quantum of resources available to each specialized agency, both under the regular budget and as extra-budgetary funds; methods and principles utilized to determine the rates of assessments of member States;

(e) Possible means for improving the existing methods and techniques in the field of the preparation of programmes and budgets and avoidance of duplication, including follow-up action and implementation of policies; steps taken by the agencies on resolutions of the Economic and Social Council in the direction of co-ordinating their activities;

(f) The number, length, co-ordination, scheduling and documentation of conferences and meetings;

(g) Other matters which might be raised by any member of the *Ad Hoc* Committee.

9. The Geneva session was devoted mainly to meetings with the specialized agencies, at which the written replies submitted by them in response to the Committee's questionnaire were examined; additional oral questions were put by members of the Committee and a dialogue established between the representatives of the agencies and members of the Committee. Some of the agencies also furnished the Committee with additional written documentation and background material.

10. The Committee benefited from an exchange of views with the executive head, or his representatives, in the case of WHO, the ILO, UNESCO, FAO, ITU, UPU, WMO, IMCO and IAEA. It also heard the Assistant Director-General of the United Nations Office at Geneva on some of the administrative problems of that Office and the Deputy Under-Secretary for Economic and Social Affairs and Special Representative of the Secretary-General to the specialized agencies on the co-ordinating role of ACC.

11. During its third session in New York, from 6 June to 19 July 1966, the Committee held 43 meetings and its Drafting Committee of the Whole 20 meetings. The *Ad Hoc* Committee began with an examination of the financial and budgetary problems of the United Nations, in which the Controller of the Organization and his staff participated and provided information to the Committee, both in writing and orally, on various aspects of the United Nations budget.

12. In the course of its third session, the Committee met with a number of senior United Nations officials, including the Under-Secretary for Economic and Social Affairs, the Director of Personnel, the High Commissioner for Refugees, the Commissioner for Industrial Development, the Associate Administrator of the United Nations Development Programme and the Secretary-General of UNCTAD. It met with the Secretary-General of ICAO, and also heard a statement by the President of IBRD.

13. The Committee wishes to place on record its indebtedness to all these officials of the United Nations family of organizations for their co-operation, their valuable advice and their willingness to give much of their time in order to assist the Committee in the accomplishment of its task. It also wishes to express its gratitude to the Chairman of the Advisory Committee on Administrative and Budgetary Questions, who, despite a heavy programme of meetings, gave the Committee all possible assistance. Finally, the Committee wishes to put on record its appreciation of the

valuable services rendered by those members of the United Nations Secretariat who directly serviced it.

II. GENERAL OBSERVATIONS

14. The growth of economic and social activities in the United Nations family of organizations² over the past decade has been truly remarkable. During that period, the total funds available to them have increased from about \$186 million to almost 500 million dollars annually. Although a proportion of the total funds has been absorbed by increased administrative costs, a sizable part has been expended on new programmes in the field of economic and social development. But in spite of this growth in the developmental activities of the United Nations family of organizations, it must be recognized that the total needs of the developing countries are far in excess of available resources.

15. This unprecedented expansion of vital activities in the economic and social fields has not always followed a preconceived plan. Concern has been expressed lest uncontrolled expansion and growth should render less effective the increased efforts Member States must be prepared to make in order to accelerate economic and social progress in the developing countries. A judicious allocation of the limited resources available must be made in order to achieve maximum results. For the same reason, it is incumbent upon the organizations, both individually and collectively, to keep their programmes and methods of work under constant review with a view to increasing the effectiveness of their action.

16. The recommendations which follow in this report are based on the general considerations contained in resolution 2049 (XX) of the General Assembly, namely that any expansion of the activities of the United Nations family of organizations "should take into account both the needs they are intended to meet and the costs Member States will have to bear as a result". In this context, and in addition to the recommendations set forth in the body of the report, certain members were of the opinion that the United Nations and the agencies should attempt to keep the expenditures provided for in their regular budgets within predetermined limits, or to define in advance a rate of growth for the United Nations family of organizations. Several other members were of the view that this was not practicable.

17. The Committee concentrated its endeavours on the basic measures needed to ensure greater efficiency and real value for money in the vital work of human, social and economic development. As a group of experts, the Committee has paid particular attention to over-all efficiency, to the elimination of possible duplication and overlapping, to improved methods of budget preparation and presentation, to inspection and control, to better administration, long-term planning and evaluation and to the best utilization of available resources, both human and material. It is the hope of the Committee that its recommendations, if found acceptable to the General Assembly and subsequently implemented, will further strengthen and invigorate

² Throughout this report the terms "United Nations family of organizations" refer to the United Nations and the specialized agencies. The terms "specialized agencies", and "agencies", are intended to include the ILO, FAO, UNESCO, ICAO, WHO, UPU, ITU, WMO, IMCO and IAEA.

the United Nations family of organizations in the performance of their fundamental task.

III. BUDGET PREPARATION, PRESENTATION AND PERFORMANCE

18. General Assembly resolution 2049 (XX) laid special stress on budgetary questions. It drew attention to the need for "a detailed examination of the procedures for preparing and approving the budgets" and "a review of the procedures for controlling the execution thereof". It stated further that in its examination of the entire range of the budgetary problems of the United Nations and the organizations brought into relationship with it, the Committee should consider in particular "their administrative and budgetary procedures, the means of comparing and, if possible, standardizing their budgets".

19. In the course of its inquiries, the Committee found that in a number of cases the budgetary methods and procedures could be made more effective. Sometimes budgets are prepared and reviewed in a manner which deprives the procedures for approval by member States of some of their value. The Committee also noted that the review of the estimates undertaken by the appropriate organs could be improved by being more thorough and by including a more specific appraisal of technical matters. Sometimes the structure of the budget is such that it contains no figures on certain categories of expenditure, such as staff or equipment costs, and that once approved it allows the administrative organs too much latitude. Still further latitude is often given by practices which have been introduced at the execution stage. It seemed to the Committee that it is essential to tighten up budgetary methods and that it is possible to do so and still allow for sufficient flexibility.

20. The Committee carefully considered the question of standardizing the budgets of the organizations in the United Nations system. Although such standardization is desirable, there are obstacles in its way because of differences in the functions and traditions of the different bodies. In particular, some of them have sound reasons for continuing a conventional layout which lists the different items of expenditure (staff, equipment, publications, etc.) while others have equally persuasive reasons for preferring a functional presentation by type of activity.

21. The Committee therefore favoured a two-pronged approach. On the one hand, it suggests that a systematic and necessarily long-term study should be made to determine the extent to which standardization is feasible. On the other, it calls for certain measures that can be applied now in order to introduce certain common principles into budgets, which could retain their differences of structure pending the conclusion of the study on standardization. These common principles would be designed to ensure greater clarity, to facilitate control and co-ordination and to provide certain essential data at present lacking, particularly the breakdown of expenditure into administrative costs, operational costs and research and general study costs.

22. On one particular aspect of some importance in this area, the Committee noted that the term "mandatory increase" is frequently used in budget statements, the implication being that increases of the amount stated, representing, for example, the costs of applying a wage or salary increase to the existing num-

bers and grades of staff, are inescapable, and that the legislative body has no option but to approve them. This is not in fact the case, and the expression "mandatory increases" is misleading. The organization may indeed be bound to pay increased wages or salaries or to give a cost-of-living adjustment, but as regards the total cost involved, savings can be effected by increased efficiency and more economical use of resources. This matter has been the subject of recommendations by the Advisory Committee on Administrative and Budgetary Questions in one of its reports to the General Assembly of the twentieth session of the Assembly.³

23. As far as budget execution is concerned, it was recognized that some practices connected with transfers, unforeseen expenditures, so-called "mandatory" increases and the use of working capital funds were open to criticism. The Committee felt that more precise guidelines should be laid down on these various aspects.

24. The adoption of the following recommendations would obviously necessitate certain reforms and in particular certain provisions in the financial regulations of some of the organizations would have to be revised. The Committee thought that such revision might provide the occasion for standardizing the financial regulations.

25. The recommendations are set forth in general terms in sections A, B, C and D below. In many instances, one or more organizations already follow them as made, or slightly modified form.

A. Budget preparation

26. The heads of the organizations should transmit preliminary and approximate estimates to the bodies responsible for examining the budget early enough to enable them to consider the main items of the budget well in advance of formal presentation and to make comments and suggestions thereon in good time. This could be done about one year before the date on which the legislative bodies of the organizations are required to give their final approval to the budget.

27. The heads of the organizations would then prepare and draw up their budget estimates for detailed consideration by the competent constitutional organs. The documents constituting the budget estimates should be passed to the competent organs early enough to enable them to make a thorough study before the beginning of their budgetary sessions.

28. In all the organizations, a financial committee or similar body should make a report on the budget estimates, giving its comments thereon. The report should be made available to member States in adequate time before formal adoption of the budget by the appropriate legislative bodies. Organizations should make sure that bodies responsible for examining financial matters should be so constituted as to make this examination as effective as possible and, where members of financial committees or executive boards are not themselves specialists in financial matters, they should as far as possible be assisted by such specialists at meetings at which budgetary matters are considered.

29. The organs responsible for examining the budget estimates should arrange their work in such a way

that they can devote as many meetings to this subject as are necessary for a thorough discussion.

B. Standardization of budget documents

Uniform budget layout

30. A study should be undertaken under the auspices of the Advisory Committee on Administrative and Budgetary Questions with a view to defining ways and means of bringing the budget layouts of the organizations into line and of consequently securing, if possible, their acceptance of a uniform budget presentation.

31. Pending the formulation of such a uniform budget presentation, each of the organizations, while retaining for its own budget the layout most closely suited to its particular operating conditions and at the same time to the requirements of control, should provide, in a special document, a breakdown of its expenditures following the standard classification which has been or will be proposed by ACC. As far as the United Nations is concerned, the special document should contain information on the various units included in the budget, particularly those related to the economic and social fields.

Common principles of budgetary presentation

32. Without disrupting the practices followed by the various organizations each should in the first instance provide a certain amount of supplementary information for the purpose of imparting greater clarity to the existing budget documents:

(a) The organizations using the traditional budgetary breakdown by object of expenditure should submit, either in the budget itself or in a special document, a breakdown of their expenditure by main fields of activity.

(b) The organizations using the functional method of budgetary breakdown by main fields of activity should submit, either in the budget itself or in a special document, a breakdown by object of expenditure.⁴

(c) All organizations should submit certain annexes⁵ to their budgets, one of which should give a breakdown of expenditures into administrative costs, operational costs, and general research and study costs.

⁴ The following is an example of such a breakdown: permanent staff, temporary staff, conferences (expenses directly attributable to conferences and meetings), travel and transport, purchases of supplies and small equipment, grants, fellowships, rental and maintenance of premises, contractual services, financial costs, purchases of premises and major renovations, purchases of large equipment, repayment of loans.

⁵ These annexes should include:

(a) *A descriptive list of the main activities (programmes or projects) covered by the budget.* This would avoid encumbering the actual text of the budget with too much detail. It would also be important to distinguish in this annex between old activities nearing completion, those continuing and new activities.

(b) *A geographical annex classifying the different projects by the countries in which they are carried out.* It would be sufficient in an annex of this kind to give the title and cost of each main activity, without repeating the detailed description that may have been made elsewhere in the budget document.

(c) *An organizational chart for the budget period under consideration.* This document would give a clear picture of the distribution of staff among the different units and, by comparison with previous budgets, of the way the distribution changes over the years. In giving this breakdown of staff a distinction could be made between General Service and Professional staff and, as far as possible, between temporary and permanent staff.

³ *Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 82, document A/6122, paras. 53-57.*

(d) All organizations should include in their budget documents a foreword and comments drafted along approximately the same lines.⁶

Cost increases for present establishment

33. Estimates should show clearly to what extent proposed increases are due, on the one hand, to expansion of staff, programmes, or activities generally, and, on the other hand, to increases in prices (including in this term salaries and wages). All organizations should adopt a standard budgetary practice and nomenclature in identifying and showing separately increases in proposed expenditure due solely to rises in prices (including salaries and wages), noting that in this context the expression "mandatory increases" is inaccurate.

C. Budget practices and performance

Reporting on budget performance

34. The heads of all organizations should prepare a report on their budget performance, emphasizing the salient features of the performance and drawing attention to the main changes as compared with the original estimates including transfers and additional expenditures which have taken place during the financial period under consideration and measures taken to meet the cost increases for present establishment (particularly by way of savings, reassessment of priorities and re-deployment of resources). These reports should be forwarded to member States as soon as possible after the close of the financial year.

Transfers

35. The head of each organization should retain full discretion to make transfers within each "appropriation line", provided, however, that he reports such transfers at the earliest opportunity to the competent organs vested with financial responsibility. The term "appropriation line" means the basic heading for the appro-

priation, whatever the name used by the organization in question.

36. The provisions set forth in the preceding paragraph might leave undue latitude where a particular appropriation line represents a disproportionately large percentage of the total budget. Accordingly, for the purpose of applying that paragraph, such appropriation lines should be subdivided into sub-headings of a reasonable size, each of which would be considered as an individual appropriation line. It should be left to the competent organs vested with financial responsibility to decide which appropriation lines represent a disproportionately large percentage of the total budget, and what ought to be the size of the sub-headings.

37. As far as transfers between appropriation lines are concerned, the head of the organization should request prior authorization from the competent organs vested with financial responsibility, resorting, if necessary, to a postal approval procedure, which would have the advantage of enabling him to poll the members between sessions.

38. In his financial report on budget performance, the head of the organization should describe any transfers effected, and explain why they were made.

Supplementary estimates

39. The heads of the organizations should calculate the budget estimates and control obligations in such a way as to ensure that appropriations are not exceeded.

40. Unavoidable increases in expenditure in certain sectors should, as far as possible, be financed in the first instance by savings in other sectors. This applies in particular to increases due to rises in prices (including in this term salaries and wages) which should so far as possible be absorbed by reassessment of priorities, redeployment of resources, and, where necessary, by adjustments within the budget.

41. In order to provide the heads of the organizations with a small amount of funds to meet contingencies which may arise and which cannot be met by savings or postponed until the adoption of the next budget, a special appropriation line might, where necessary, be included in the budget for these minor contingent expenses.

42. Drawings on the working capital fund to finance additional expenses without prior appropriation should, as a general rule, be discontinued as from the time when the organizations adopt the procedures suggested above.

43. Drawings on the working capital fund without prior appropriation should be made only in clearly exceptional cases involving emergencies within the limits laid down by legislative bodies, and to the extent that they cannot be financed out of the measures mentioned in paragraphs 40 and 41 above.

44. When drawings on the working capital fund without appropriation have been made, the heads of the organizations should report at the first opportunity to the competent organs vested with financial responsibility and submit the appropriate requests for supplementary appropriations to their organization's legislative body.

45. Adherence to the above procedure should ensure that recourse to supplementary appropriations would be kept to a minimum.

46. In every case the heads of the organizations should include as part of their annual financial re-

⁶ It is suggested that:

(a) *The foreword* should aim, as far as possible, at showing the main purposes of the activities the organizations propose to undertake during the budget period under consideration. It would be helpful, therefore, if the texts were to deal individually and briefly with a number of essential points, such as:

(i) The objectives to be achieved within the framework of the programme and budget submitted and the manner in which they fit into the organization's long-term plans;
 (ii) The total expenditure proposed in each of the organization's main fields of activity and the extent to which it differs from that in previous budgets, with explanatory comments showing how much of the change from previous years is attributable to expenditure necessary for the continuation of current programmes or projects and how much to the execution of new programmes or projects and what resources, by comparison with the previous budget, are released as a result of the completion of old programmes or projects;
 (iii) Comments on the reasons for the proposed changes in staff and the resultant expenditure;
 (iv) The total cost of budgetary and extra-budgetary programmes and a summary showing the origin of the various sources of finance available to the organization for these programmes, with comments on the changes in these sources in recent years.

(b) *The comments explaining items in the budget* should, as far as possible, aim at brevity, so that the budget document itself does not become excessively bulky. Generally speaking, it would be preferable to include in the budget itself only such comments as are absolutely essential, relegating any detailed discussion and description that may seem necessary to appropriate annexes. In this way, it would be possible to reduce the size of the budget document proper, making it easier to handle and clearer, so that it could be used and understood by persons not necessarily expert in the matters with which the organization is concerned.

ports the requisite explanation of the additional expenses incurred and the financing procedure used to meet them.

Working capital funds

47. Working capital funds should not be used to finance additional expenses without prior appropriation, except in clearly exceptional cases (see paragraphs 43 and 44 above). The essential purpose of such funds is to make it possible to finance expenditures pending the collection of contributions.

48. The practice whereby some organizations credit all or part of their miscellaneous income to their working capital fund should be discontinued; miscellaneous income should be paid into the general fund.

49. The level of the working capital fund should be determined by reference not merely to the total budget but also to the expected timing of the inflow and outflow of total funds at the disposal of the organization.

50. Consequently, any requests for an increase in an organization's working capital fund should be accompanied by a statement of liquid funds, showing inflows and outflows on a monthly basis during set periods in preceding years and a forecast for the coming year. Explanatory comments should be provided specifying the main factors which might jeopardize the organization's liquidity and the time of year when they most usually occur. The competent organs would thus be in a better position to approve the most appropriate level for each organization's working capital fund.

51. The States members of the various organizations should pay their contributions as promptly as possible, so as not to create additional difficulties for the organizations in respect of liquidity.

D. Standardization of financial regulations

52. If the organizations decide to adapt their internal regulations in order to follow the recommendations made by the Committee in sections A, B and C above, they should try as far as possible to reconcile and standardize their respective financial regulations when making the necessary amendments thereto.

IV. THE BUDGET CYCLE

53. The question of a biennial budget cycle was discussed at length by the Committee with the assistance of the Controller of the United Nations and the Chairman of the Advisory Committee on Administrative and Budgetary Questions. While the Committee reached unanimously the conclusion that the specialized agencies with an annual budget should prepare their budget for a period of two years, there was a difference of opinion with respect to its application to the United Nations.

54. Those members holding the view that a two-year budget cycle should be adopted by the United Nations were of the opinion that savings of time and a reduction of workload on the part of the United Nations Secretariat, the related United Nations organs and committees would be realized and, in addition, that wider scope would be given to key personnel to devote their attention to planning, management and co-ordinating activities. They also stressed that an improvement in budget preparation would be possible and that advantages, from the point of view of co-ordination and programming, would accrue from a common

budget period for the main members of the United Nations family.

55. Those members favouring the continuation of the present one-year budget cycle were of the opinion that extending the United Nations budgeting term would affect the flexibility of the United Nations in the political, economic and social fields, and that it would not be appropriate to the complex nature of the United Nations budget. They also stressed that long-term planning by the United Nations family of organizations and biennial budgeting by the specialized agencies would contribute positively to reducing the pressure on the secretariats and bodies entrusted with financial tasks as well as to completing the picture of the United Nations finances.

56. The Committee concluded that a thorough study was needed. Accordingly, while the annual budget cycle for the United Nations itself continues, the Committee recommends that:

(a) Specialized agencies having an annual budget cycle should adopt a biennial cycle;

(b) The Secretary-General should be asked to make a detailed study of the advantages and disadvantages of a biennial cycle for the budget of the United Nations, having in mind the discussion of this matter in the Committee, and his report, together with the comments of the Advisory Committee on Administrative and Budgetary Questions thereon, should be submitted to the General Assembly at its twenty-second session.

V. STANDARDIZATION OF NOMENCLATURE

57. Each of the entities of the United Nations family of organizations has, over the years, developed its own financial nomenclature. Many commonly used terms have different meanings in some of the organizations. This is not only a source of puzzlement to member States, but it makes comparison of budgets and financial statements quite difficult. The following are some examples:

Sections, chapters, parts. These terms denoting divisions of a budget have different meanings from organization to organization.

Programme. Some organizations use the term to mean all the operational activities included in their regular budget. One agency applies the term "major programme" to all of its activities without distinction. Another agency calls the whole of its regular budget the "regular programme".

Operational. All of the organizations use this term, but in different senses. One agency calls anything financed by the United Nations Development Programme "operational". Another agency calls the whole organization "operational". Other agencies use the term to designate all the activities relating to the execution of any action undertaken in one or more countries.

Mandatory increases. This expression is used in different organizations to cover groups of expenditures varying widely in composition. One organization may describe as "mandatory" little more than increased costs due to wage and salary increases. Others may include such items as an increased volume of telephone calls and postal services, costs due to greater length of conferences, additional rentals of office space, and so on.

58. The Committee was informed that in the latter part of 1965 the Secretary-General instituted a review

of the United Nations Financial Regulations and Rules, having in mind, *inter alia*, the elimination of inconsistencies which had become apparent in the past few years, particularly with regard to nomenclature. The review was not yet completed but it had already resulted in arrangements being made for the compilation of a glossary of standard terms. The Committee understood that when the review was completed, the Secretary-General intended to see to what extent the revised nomenclature and related changes could be adopted by all United Nations programmes and he would consult with the executive heads of the specialized agencies with a view to extending uniformity throughout the United Nations family.

59. The Committee warmly welcomes the initiative of the Secretary-General and recommends that:

(a) The Secretary-General should be requested to pursue this matter actively in consultation with the agencies, and to prepare a report for the information of the General Assembly;

(b) The specialized agencies should lend their full co-operation to the Secretary-General in this matter;

(c) A standard nomenclature of budgetary and financial terms should be adopted and followed throughout the United Nations system.

VI. AUDIT, INSPECTION

60. The Committee was impressed by the fact that external controls over the financial management of the organizations were, generally speaking, less developed than is the case in many member States. The implications of this situation might not have been too serious as long as the organizations' expenditures remained at a relatively modest level. But the rapid growth in their budgets in recent years and the level now reached by total expenditure prompted the Committee to advocate the strengthening of external controls.

61. The Committee thought that the work of the external auditors, whose role is essential if regularity is to be ensured in the financial operations, might be made more effective in two ways.

62. In the first place, the Committee found that the financial regulations of certain organizations enabled the external auditors to make observations not only on financial, but also on administrative and management matters. It considered that such should be the case in all organizations and that, to this end, the financial regulations should, where necessary, be amended.

63. In the second place, the Committee considered whether it might not prove helpful to rotate at appropriate intervals the external auditors associated with the United Nations organizations. In this connexion, it gave some thought to the formation of a common panel of auditors, which might promote the development of common audit standards throughout the United Nations family, and concluded that this question merits further study.

64. It appeared to the Committee, however, that the responsibility for maintaining adequate supervision over the management of the different services from both the administrative and the financial point of view could not be discharged by the auditors alone.

65. The Committee therefore considered the establishment, on an experimental basis, of a small inspection unit, consisting of a limited number of specialists highly

qualified in financial and administrative matters. These officials would visit the different services of the United Nations organizations, if necessary, without prior notification, in order to examine the way in which they operate and to propose any reforms they deem necessary.

66. Such a unit would in the Committee's opinion make an effective contribution not only towards improving management and methods but also towards achieving greater co-ordination between the organizations.

67. The Committee therefore recommends that:

A. External auditors

(a) The various organizations should, wherever necessary, amend their financial regulations which set out the duties of the external auditors, in order to enable them to make observations on the administration and management of these organizations;

(b) The Secretary-General, as chief administrative officer of the United Nations, and as Chairman of the Administrative Committee on Co-ordination, in co-operation with the heads of the specialized agencies after consultation with the Chairman of the United Nations Board of Auditors should study the question of the establishment of a common panel of auditors, responsible for auditing, on a rotational basis, the accounts of all the organizations of the United Nations family, and report thereon to the General Assembly at its twenty-second session.

B. Establishment of an inspection unit

An inspection unit should be established on the following lines:

(a) *Establishment of the inspection unit.* There should be established, in agreement with the various organizations of the United Nations family, a joint inspection unit. This unit would be administratively attached to the Secretary-General, as chief administrative officer of the United Nations and as Chairman of the Administrative Committee on Co-ordination.

(b) *Composition and appointment.* The inspection unit should consist of a very limited number of inspectors (not exceeding eight) chosen from among members of national supervision or inspection bodies, or from among persons of similar competence, on the basis of their special experience in national or international administrative and financial matters. The President of the General Assembly should draw up, with due regard to equitable geographical distribution, a corresponding list of countries, each of which should be requested to nominate a candidate or preferably a panel of candidates. The inspectors should be appointed initially for a period of four years by the Secretary-General of the United Nations, after consultation with the other members of the Administrative Committee on Co-ordination. The inspectors should not be appointed to any post in the secretariats of the organizations of the United Nations family until at least three years have expired after the termination of their functions.

(c) *Functions and powers.* The inspectors should make on-the-spot inquiries and investigations, some of which may be without prior notification, as and when they themselves may decide, in any of the services of the different organizations of the United Nations family. Acting singly or in small groups, they should have

the broadest powers of investigation in all matters having a bearing on the efficiency of the services and the proper use of funds, and should be accorded at the highest level full co-operation and facilities for the discharge of their duties, including access to any particular information or document. They should be bound by professional secrecy as regards all the information they receive and the contents of their reports. Standards for the conduct of the inspections, and the inspection programme, should be determined by the unit itself. The inspectors themselves should have no power of decision, nor should they interfere in the operation of the services they inspect.

(d) *Reports.* The inspectors should draw up, over their own signature, reports for which they alone should be responsible, and in which they should state their findings and propose solutions to problems they have noted. As regards these inspection reports:

- (i) They should be sent to the service being reported on and to the executive head of the organization concerned simultaneously;
- (ii) The service should have an opportunity to present in writing, in a document to be attached to the inspection report, any comments it may wish to make;
- (iii) The combined documents should be transmitted by the head of the organization concerned to the members of the organization's executive board or governing body—in the case of the United Nations to the Advisory Committee on Administrative and Budgetary Questions—with a statement of his own, stating what action he has taken, or proposes to take, on the inspection report and any other comments he may wish to add;
- (iv) The executive board should follow up on the matter until it has been satisfied;
- (v) The executive board should decide on the further distribution, if desirable, of the inspection report and its appendices;
- (vi) The executive board should communicate to the Special Committee on Co-ordination of the Economic and Social Council for its information a résumé of the above-mentioned reports, comments and action.

(e) *Administrative and financial provisions.* The cost of the operation of the inspection unit should be shared by the organizations of the United Nations family, as agreed upon by them.

(f) *Temporary provisions.* The inspection unit should be established for an initial period of four years. Prior to the end of that period, the organizations of the United Nations family should decide, upon the recommendation of the General Assembly, whether the inspection unit should be continued.

VII. PROGRAMME PLANNING AND EVALUATION

A. Long-term planning

68. Further development and application by the United Nations family of organizations of an integrated system of long-term planning on a programmed basis is an essential ingredient in improving their programming and budgetary processes and ensuring throughout the United Nations system the most rational use of available resources. While most of the agencies are giving increasing attention to planning and programme formulation, there are considerable differences in their

approaches—most notable is the fact that planning, programming, and budgeting are not more systematically integrated, even allowing for a necessary degree of independence.

69. There are several reasons why further development of the planning, programming and budgeting processes is important to the future welfare of the United Nations family:

(a) The activities of the United Nations family have expanded rapidly in recent years, and it is not surprising that there are different views on how these activities should be further developed and adapted to meet future needs of member States. In these circumstances, re-examination and re-thinking of objectives, identification of programme priorities, and the development of specific but yet tentative plans for some years in advance would appear essential.

(b) The present and foreseeable needs of member States which the organizations are helping to meet appear to be without limit, while the resources available are limited. In this situation it is essential that the best use should be made of them. To accomplish this goal, forward planning and adequate co-ordination of the whole United Nations effort is required.

(c) If the United Nations and the agencies are to be as effective as possible they should know better where they are going over a given period of time. Planning, carrying with it the reasonable expectation that approved plans will be supported fully by member States, is essential to good management.

(d) If the United Nations family is to obtain the necessary human and financial resources to help meet the growing needs of member States, it is essential that the latter have in advance a clearer picture of how these resources are to be utilized and for what purposes. Forward planning and programme formulation would assist greatly in accomplishing this and would facilitate co-ordination between the United Nations organizations, as well as between these bodies and donor and recipient countries. This should also bring greater harmony into what is being done through multilateral as well as bilateral efforts. At the same time, this process would facilitate the comparing of planned future activities and possibly avoid action being undertaken separately by different organizations; this should result in better integration of complementary activities and further ensure the achievement of over-all generally agreed objectives.

(e) In summary, through such a process information would be provided on a timely basis which would be useful to both the organizations and member States in establishing a framework: (i) within which programmes and budgets would be prepared; (ii) for determining future activities and resources required to implement them; (iii) for identifying areas where the organizations should develop their internal capabilities to meet anticipated changing needs; (iv) for apprising member States of proposed activities far enough in advance so that there would be sufficient time for them to consider the direction in which an organization is moving and develop their respective national positions; and (v) for acquainting member States through legislative and governing bodies of the organizations with estimated future costs and purposes of activities which may be of a continuing nature.

70. "Programme budgeting" does not in any way require that traditional budgeting be cast aside since

this is essential, within each organization, for exercising financial control. These two methods of budgeting are not in conflict; on the contrary, they can and should operate in a complementary manner.

71. While it is recognized that forward planning is not dependent on any particular budget cycle, in the case of agencies with biennial budgeting, the planning cycle might consist of a two-year programme and budget, a second two-year plan, and a further two-year tentative plan. While the legislative and governing bodies would consider and make recommendations on the plans covering the entire planning cycle, they would actually approve only the programme and budget covering the first two-year period. The planning cycle of those agencies having a biennial budget cycle could be synchronized and eventually established for a similar time period.

72. It is recognized that in applying an integrated system of long-term planning, programme formulation and budget preparation, account must be taken of the environment in which each organization operates, its own constitutional provisions, and other factors. As long as the basic concepts of the system are respected, procedures employed may vary from organization to organization.

73. Subject to the considerations in the preceding paragraph, the Committee recommends to each of the organizations of the United Nations family that:

(a) Early steps should be taken to develop and adopt an integrated system of long-term planning, of programme formulation and of budget preparation;

(b) To this end, each organization should develop an effective long-term plan in keeping with the broad goals included in its charter or statute. The process would involve making these broad goals more specific by formulating the priority objectives to be accomplished by the organization within the planning period. Specific courses of action for accomplishing the agreed objectives and goals would be contained in the organization's proposed plan;

(c) Throughout the planning process choices should be made among competing demands. This entails establishing further priorities by the organization as well as giving consideration to alternative ways of accomplishing its specific objectives;

(d) Each organization should develop its own processes and staff capability to carry out the following:

- (i) Define clearly its specific objectives—i.e., what it hopes to accomplish with definite points of time—by taking into account the priority needs of member States, the over-all capability of the organization, and the probable financial costs to member States;
- (ii) Formulate, following consultations with other interested organizations, major alternatives, with related costs, which would express in specific terms how to accomplish the previously defined objectives; analyse these alternatives (and related costs); and include in the plan those which would be likely to achieve the best results in terms of cost-effectiveness;
- (iii) Provide leeway for possible adjustments to changing circumstances and for the inclusion of further activities which might respond to the special and often changing needs of the developing countries;

(iv) Present the proposed plan to its governing body for consideration and comment on the content of the plan, the priorities, and the general magnitude and time-phasing of expenditures;

(v) Prepare an integrated document—containing all programmes financed from both budgetary and extra-budgetary funds—for the selected time period, that would be based on the agreed plan, which, in addition to the long-term agency plan, would contain the proposed programme and budget for the next budget period, having taken into consideration prospective resources. This programme would be detailed and provide information on specific activities, while the plan would concentrate on major activities and would be drawn up so as to provide the necessary degree of flexibility. The document would show the estimated total cost, time-phased over the expected duration of the plan. The appropriate bodies of the organization would review and comment on this document, and approve with whatever changes they considered necessary that part which corresponded to the next budget period. In preparing subsequent programme and budget documents, the heretofore agreed plan might be revised in the light of changed circumstances, and an additional 2-year tentative plan formulated to complete the suggested 6-year time period. An essential aspect is the continuous process of review and updating. The introduction of new elements into the plan would depend in part on the progress achieved in the preceding period;

(e) Each organization should synchronize its planning and its budget cycle with those of other organizations in so far as they have the same budget periods;

(f) Each organization should incorporate in the process discussed above the experience and knowledge gained through systematic evaluation of its activities.

B. Evaluation

74. Over-all evaluation consists in estimating the scope, cost and potential effectiveness of a project or programme before a decision is taken on it, checking the estimates and performance during its execution, and determining the cost and the results achieved when the project or programme is finally completed.

75. It appeared to the Committee that the third function, namely, the determination of the cost and the evaluation of the results, was the least well performed. Yet the third phase was very important, because it made it possible to choose the most effective methods of future action and programmes.

76. The Committee noted that the significance of evaluation is being recognized by organizations in the United Nations family. The three pilot evaluation studies made under Economic and Social Council resolution 1042 (XXXVII) dated 15 August 1964, represent an important contribution to the body of experience in this area. The Committee believed that evaluation reviews are particularly helpful to the organizations themselves in developing future programme proposals. Information gained from such reviews should therefore be an important element of the system of long-term planning, programme formulation, and budget preparation which the Committee had recommended in section A above.

77. Discussions among members of the Committee and with representatives of the United Nations and the specialized agencies have led the Committee to the conclusion that continuing evaluation and assessment of the operations of the organizations within the United Nations family and the impact of their activities, both at Headquarters and in the field, should be further improved. With the needs of member States in the area of economic and social development practically unlimited, and with limited available resources to meet these needs, it was all the more necessary to make the operations of the organizations more effective, so that the maximum return would be obtained from each unit of money expended. One way to help achieve this objective was to devise efficient techniques and guidelines for evaluating operations in order to identify and eliminate unproductive practices and activities which result in less than maximum organizational effectiveness and which do not meet the needs of member States. The Committee believed that insufficient attention had been given to the establishment of common evaluation techniques and guidelines which could be applied by the United Nations family of organizations. Moreover, it was necessary that the results of internal reviews of operations be made available to governing bodies and member States on a more timely basis, so that they could benefit from past experience in considering current activities and proposed new programmes. Further, recommendations made in paragraph 56 above concerning the budget cycle should result in affording the Economic and Social Council more time to devote not only to the co-ordination but also to the evaluation of activities.

78. The Committee noted that, in the opinion of the Secretary-General of the United Nations, UNITAR could be of great assistance in working out standards, criteria, and techniques of evaluation for use by the United Nations family of organizations.

79. In view of the need for effective evaluation and assessment of the activities of the United Nations family of organizations the Committee recommends that:

(a) The organizations should take steps to improve and strengthen the evaluation process wherever possible;

(b) The organizations should utilize information resulting from internal reviews of their operations, as well as the views of member States in which these operations are conducted, to a greater extent in programme formulation and execution, thus making results of their reviews an important element of the system of long-term planning, programme formulation, and budget preparation which the Committee has recommended;

(c) The organizations should be required to provide governing bodies (including executive committees or boards), as a part of timely progress reports, with evaluation data on continuing projects or programmes at intervals of no more than twelve months, as well as reports on evaluation of projects or programmes when completed;

(d) The Economic and Social Council and the Administrative Committee on Co-ordination should encourage to the fullest extent the development of common evaluation methods and standards for the organizations;

(e) The Economic and Social Council should continue its systematic evaluation of the impact, both overall and specific, of the programmes of the organizations in the economic and social field in meeting the needs of member States and, if necessary, strengthen arrangements for co-ordinating evaluation.

VIII. CO-ORDINATION

80. Both the United Nations Charter and the relationship agreements between the United Nations and the specialized agencies provide for very important central roles for the Economic and Social Council and the General Assembly in relation to the programmes and the administrative budgets of the agencies. These provisions were undoubtedly made not only to ensure co-ordination of the activities of the organizations but also to enable Governments of member States to have an over-all view at least once each year of the whole range of economic, social, cultural, educational, health and related activities of the entire United Nations family, and of the cost thereof, in order both to evaluate past and present activities and to plan future activities.

81. Although the General Assembly has, under the Charter, over-all responsibility in the international economic and social area, it is the Economic and Social Council which is more directly concerned with the agencies. The Charter provisions with respect to the role of the Economic and Social Council in relation to the agencies are contained in Articles 57, 58, 62, 63 and 64. Articles 57 and 58 define the general relationship of the United Nations to the agencies, and Articles 62-64 provide for the specific functions of the Economic and Social Council in this relationship.

82. In general terms, it may be said that the above-mentioned Articles of the Charter give the Economic and Social Council a central role with respect to studying and reporting on international economic, social, cultural, educational, health and related matters dealt with by the United Nations and the specialized agencies and making recommendations thereon to the General Assembly. To the Members of the United Nations and to the agencies concerned (Article 62). To enable the Economic and Social Council better to carry out this function itself or with the assistance of its functional commissions, and to co-ordinate the activities of the United Nations and the agencies, the Charter authorizes the Economic and Social Council:

(a) To enter into relationship agreements with the agencies (Article 63);

(b) To co-ordinate the activities of the agencies through consultation with and recommendations to them and through recommendations to the General Assembly and to Members of the United Nations (Article 63);

(c) To obtain regular reports from the agencies on their activities and on steps taken to give effect to Council recommendations and to certain recommendations of the Assembly (Article 64).

83. So far as the relationship of the General Assembly to the agencies is concerned, the Charter provides generally that the Assembly shall initiate studies and make recommendations for the purpose of "promoting international co-operation in the economic, social, cultural, educational and health fields" (Article 13); and that it is primarily responsible for the discharge of the functions of the United Nations set forth in Chapter IX entitled "International economic and social co-operation" (Article 60). The Charter also provides specifically that the Assembly shall approve any financial and budgetary arrangements made by the United Nations with the agencies and examine their administrative budgets with a view to making recommendations to them (Article 17), approve the relationship agreements with the agencies (Article 63) and receive the observations of the Economic and Social Council on reports received from the agencies (Article 64).

84. The relationship agreements entered into by the agencies with the United Nations are—with the exception of those involving IBRD and IMF—similar in character and generally contain, *inter alia*, the following important elements:

(a) The agencies, "having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles "58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies," agree to arrange for the submission, as soon as possible, to their governing body, conference or other appropriate body, "of all formal recommendations which the General Assembly or the Council may make to it". The agencies agree to consult with the United Nations on request with respect to such recommendations and report to the United Nations on the action taken to give effect to them. The agencies also affirm their intention of co-operating in whatever further measures may be necessary to make co-ordination of their activities and those of the United Nations fully effective. In particular, they agree to participate in, and to co-operate with, any body or bodies which the Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

(b) The agencies and the United Nations agree to arrange for the "fullest and promptest exchange of information and documents". The agencies also agree "to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information", subject to possible sharing of costs.

(c) Recognizing the desirability of eventually developing a single unified international civil service, the agencies and the United Nations agree, *inter alia*, to develop common personnel standards and to consult on such matters as conditions of service, salary scales and allowances.

(d) The agencies and the United Nations recognize the desirability, in the interest of administrative and technical uniformity, of avoiding a duplication of administrative and technical services and of consulting on the establishment of common services and facilities.

(e) With respect to budgetary and financial arrangements, the relationship agreements provide, *inter alia*, the following:

- (i) The agencies recognize the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operation of the United Nations and of the agencies shall be carried out in the most efficient and economical manner possible, and so that the maximum measure of co-ordination and uniformity with respect to these operations shall be served.
- (ii) The agencies and the United Nations agree to consult on the desirability of the inclusion of agency budgets within a "general budget" of the United Nations.

- (iii) The agencies agree to consult with the United Nations in the preparation of their budgets.
- (iv) The agencies agree to transmit their proposed budgets annually to the United Nations at the same time as the budgets are transmitted to member States. The General Assembly is expected to examine these budgets and is authorized to comment on any item contained therein.
- (v) The agencies agree to conform as far as may be practicable to standard practices and forms recommended by the United Nations.

85. In view of the foregoing provisions in the Charter and relationship agreements, one might have expected that the Economic and Social Council and the General Assembly would today be playing an important central role not only in examining the plans, progress and problems of the agencies and in co-ordinating their activities, but also in informing member States annually of their views and recommendations on the existing situation. The Committee considered in particular a note⁷ from the Secretary-General in which he described in some detail the way in which co-ordination procedures have developed over the years and recent measures taken by the Economic and Social Council to facilitate the analysis of programmes of the United Nations family of organizations in relation to their cost. The information furnished to the Committee, however, indicates that while much has been done to implement the provisions of the Charter and of the relationship agreements, certain vital elements in the techniques now being employed could be usefully strengthened.

86. In the course of discussions with the representatives of the specialized agencies, during the Geneva session of the Committee, the following points were underlined:

(a) The Committee on Co-ordination of the Economic and Social Council (Committee of the Whole), and the Special Committee on Co-ordination (which the Council established by its resolution 920 (XXXIV), of 3 August 1962) have not entirely succeeded in their task of achieving greater and smoother co-ordination, because apparently it has not been possible to secure a full exchange of views between the United Nations and the agencies.

(b) Despite the best efforts of ACC and the Advisory Committee on Administrative and Budgetary Questions to fulfil their respective mandates, it has not been possible for either of them to devote as much time and continuing attention throughout each year to the task of co-ordination as is required now, especially in view of the tremendous growth in the activities and budgets of the United Nations and the specialized agencies.

(c) The need is not for the creation of new bodies to ensure better and greater co-ordination, but for the streamlining and refurbishing of the machinery which already exists.

87. The Committee thought that certain changes of a technical nature might improve the efficiency of ACC, so that concerted action could be further advanced.

88. Geographical co-ordination, or harmonizing the activities of the different bodies of the United Nations family in a given country or region, is one of the principal purposes of co-ordination. While the main responsibility rests with Governments, experience shows that the United Nations system also has significant responsibilities. First, it can help Governments in setting

⁷ Document A/AC.124/R.19 (mimeographed).

up their national plans. Secondly, it has to achieve increasing harmonization of its various actions in given areas, a task in which the resident representatives already play a very useful role. In both of these fields, it seemed to the Committee that there was perhaps some room for certain improvements.

89. The adoption by the agencies with an annual budget of a two-year budget cycle and of longer-range programming as recommended in paragraphs 56 and 73 of the present report would be important steps toward more effective co-ordination. This should facilitate review of the budgets and the programmes of the agencies—as well as of the United Nations—by the Advisory Committee on Administrative and Budgetary Questions and the Economic and Social Council, in their respective spheres, as well as by the General Assembly. One of the objectives should be to make it possible for the Advisory Committee and the General Assembly to conduct more effectively the examination envisaged by Article 17 of the United Nations Charter in such a way, and early enough, to permit the United Nations and the agencies, their respective governing bodies, and Governments of member States to secure the greatest benefit possible from these reviews. The other objective would be to improve the co-ordinating function of the Economic and Social Council and the General Assembly as envisaged by Article 63 of the Charter. In this connexion, it is recognized that, in order to get the maximum value from these reviews, meeting and conference schedules will have to be harmonized to the greatest extent practicable.

90. In order to improve co-ordination within the United Nations family, keeping in mind the above comments and observations, the Committee makes the following recommendations:

(a) The agencies, the Advisory Committee and the General Assembly should, to the extent practicable, perform their respective reviews of budgets in such a way as to enable the agencies to take the recommendations of the General Assembly into consideration before adopting their respective budgets.

(b) The United Nations and the agencies should give careful consideration to the harmonization and adjustment of meeting and conference schedules in order to secure the greatest benefits from the reviews discussed above.

(c) The Advisory Committee and the Economic and Social Council should give increasing attention to identifying vital issues and making recommendations thereon for consideration by the General Assembly, and each body should share with the other its comments and recommendations on these and other matters within their respective spheres.

(d) The Advisory Committee should, from time to time, review systematically and in depth the administrative and management procedures concerning the programmes and budgets of the specialized agencies. This might be done by examining in depth one or two agencies each year. This, in addition to its direct usefulness, should enable the Advisory Committee to recommend the application of more consistent standards and approaches to common problems.

(e) In the intervals between the scheduled meetings of ACC at the executive head level, meetings of their alternates should be organized to prepare for top-level

discussions, to handle problems not requiring consideration by the executive heads and to ensure the execution of decisions taken. The alternates should be from among the direct assistants of the executive heads of the organizations.

(f) In addition to the effective role at present being carried out by the resident representatives in achieving co-ordination among the organizations in the field, UNDP, the principal dispenser of funds in the operational field, which has already initiated internal procedures to develop its own information on the actions carried out by a number of organizations on a geographical basis, should, in agreement with the various organizations, systematically improve the procedures for co-ordination on a geographical basis. Accordingly, the organizations should inform UNDP, at the earliest possible stage, of the actions they plan to carry out, in order to make it possible to eliminate the possible overlapping and to improve the harmonization of different projects through mutual information and consultations.

(g) The Economic and Social Council, in order to carry out more effectively its responsibilities for co-ordination under provisions of the United Nations Charter, should reconstitute its Special Committee on Co-ordination, to consist of experts.

(h) As regards the new committee:

(i) The Economic and Social Council should elect 12 experts out of nominations by States Members of the United Nations, for a period of three years, on a rotational basis, taking into account the principle of equitable geographical distribution, to serve as governmental representatives in their expert capacity; experts should be eligible for re-election.

(ii) Those elected should have a high degree of experience and competence in the following or similar fields:

a. The United Nations and related organizations, in the economic, financial and social areas;

b. The governing bodies of the specialized agencies and subsidiary bodies of the United Nations.

(iii) The committee should meet as necessary to review the activities of the United Nations and the specialized agencies in order to prepare recommendations for the Economic and Social Council on the co-ordination of their programmes in the economic, social and human rights fields; it should, *inter alia*, pay particular attention to possible overlapping and duplication.

(iv) The committee might at an early stage consider the existing procedures for co-ordination.

(v) In the accomplishment of its task, the committee should place emphasis upon a full exchange of views with representatives of the secretariats of the organizations.

(vi) The committee should, in the discharge of its functions, work in close liaison with the Advisory Committee and ACC.

(i) Adequate staff support should be provided to the Advisory Committee, the Economic and Social Council, and ACC by utilizing as far as possible the present staff of the United Nations and of the specialized agencies.

91. Despite the other steps recommended above, effective co-ordination will eventually be achieved through co-ordination within Governments themselves of their own efforts and of the positions of their own representatives to the several organizations. It is hoped that the observations and comments contained in this report will impress Governments with the necessity for more effective co-ordination at all levels, including the national level of member States.

IX. CONFERENCES, MEETINGS AND DOCUMENTATION

92. Conferences and meetings have always occupied, and will continue to occupy, an important place among United Nations activities.

93. As the situation has developed, conferences and meetings are held by various bodies and can generally be classified as follows:

(a) Conferences and meetings of principal organs of the United Nations;

(b) Conferences and meetings of principal organs of the specialized agencies;

(c) Functional commissions of the United Nations and similar commissions in the specialized agencies;

(d) Regional economic commissions of the United Nations;

(e) Special meetings and conferences called for by the General Assembly to deal with specific questions, such as the Conference of the Eighteen-Nation Committee on Disarmament, the Special Committee on Peace-keeping Operations, and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

(f) All other conferences, meetings and seminars which are convened at the invitation of, or by decision taken by, the different organs of the United Nations and the specialized agencies.

94. Whereas conferences and meetings constitute a unique forum in which all Member States, large and small, may as equals express their views and discuss their problems in relation to peace and the well-being of mankind, for several years both the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions have uttered warnings that the over-all conference and meeting programme had reached proportions such that its effectiveness was open to serious doubts, that results were not commensurate with the time and effort devoted to these activities and that the law of diminishing returns was making itself felt. More recently, in his foreword to the budget estimates for the financial year 1966, the Secretary-General stated that the programme of meetings had reached "unmanageable proportions".⁸

95. It is obvious that certain of the conferences referred to above will have to continue to be held, unless the charters of the relevant organs are changed.

96. However, the present situation within the United Nations family makes it possible for committees, commissions, or agencies to take decisions regardless of the actions of others. The result is that the total volume of demands for meetings and conferences may constitute a programme well beyond the capacity of the secretariats to service adequately.

97. The Committee looked into the situation in some detail. It was informed by the Secretary-General that the concern expressed by him and the Advisory Committee was based on the following facts:

(a) *A continuing increase in the number of conferences and meetings.* The number of meetings has almost doubled over the past six years, and, as far as the United Nations Headquarters in New York and the Palais des Nations at Geneva are concerned, the facilities are used to capacity (between 2,000 and 2,400 annually for New York and between 4,000 and 4,300 annually for Geneva, including both United Nations and agency meetings); meetings held elsewhere have also increased—those held by the United Nations regional economic commissions increased from 770 to 1,120 over the same period.

(b) *Increased participation.* New Members and larger delegations have resulted in a substantial increase in the number of participants. As regards Geneva, this increase has been of the order of 40-50 per cent over the past six years.

(c) *An ever-growing volume of documentation.* The annual reproduction capacity at Headquarters based on existing manning table and equipment (approximately 500 million impressions) has already been reached and it is expected that it will be reached at Geneva (approximately 33,333 million impressions) in 1967; at the same time there is a provision in the United Nations budget estimates for 1967 of almost \$2 million for contractual printing.

98. These increases in conference activity have been accompanied by corresponding increases in budgets, and it is to be noted that for 1967, as far as the United Nations alone is concerned, the relevant sections of the budget estimates provide for an expenditure of about \$26 million, spread over various sections of the budget, for costs directly attributable to conference activities. This is equivalent to some 20 per cent of the total United Nations budget. The corresponding figures for 1960 were about \$13 million, also 20 per cent of the total budget.

99. The increases in conference activities have given rise to a number of problems. First, conference rooms of the required size, equipped for simultaneous interpretation, and offices to accommodate the extra staff required for servicing the meetings, both at New York and at Geneva, are now inadequate and plans are before the General Assembly for their extension. Secondly, even if there were adequate physical facilities and the necessary funds were voted by the General Assembly, there is but a limited reservoir of qualified temporary staff—interpreters, revisers, translators, précis-writers, etc.—and competition for their services is becoming more and more severe year by year.

100. Thirdly, the volume of documentation has increased to an even greater extent than the number of conferences and meetings, and frequently it has been undertaken only at the price of serious disruption of regular work; in other cases the quality of the documentation has suffered. The documentation placed before the 1962 summer 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 fixed by the Council; by the 1965 summer session, the documentation had increased to 11,000 pages, costing the United Nations and agencies close to \$500,000 for translation alone; it is estimated that for the 1966 summer session the figure will not decrease.

⁸ See *Official Records of the General Assembly, Twentieth Session, Supplement No. 5, foreword, para. 26.*

101. Lastly, even if this mass of documentation were distributed in good time in all the requisite languages, many Governments may find it difficult to study it, co-ordinate the views of interested departments on it and brief their representatives in such a manner as to enable them to participate fully in the discussions in the various meetings.

102. The fixed pattern of conferences which is now in force was established by the General Assembly for a period of five years from 1958 by its resolution 1202 (XII), of 13 December 1957; it has been extended, with a few amendments, annually since then. In the meantime, both the Secretary-General and the Advisory Committee have made repeated pleas to the Economic and Social Council and to the General Assembly for a rationalization of the programme of conferences and meetings. They have pleaded, *inter alia*, for restraint in convening meetings, for the establishment of priorities and for the functional commissions of the Economic and Social Council to meet only once every two years rather than annually. The General Assembly, at its twentieth session, on 21 December 1965, adopted resolution 2116 (XX), by which, *inter alia*, it urged restraint in the scheduling of meetings and decided that not more than one major special conference of the United Nations would be scheduled in any one year.

103. The Committee noted that adequate restraint does not appear to have been exercised in the programme scheduled for 1967. It believes that Governments of Member States themselves must face up to this problem. They must be prepared to take more effective measures than in the past—and make them work, if General Assembly resolutions in this regard are to be implemented. Otherwise, Governments would have to face the burden of major additional expenditures for facilities and human resources; and budget increases alone would not suffice. Not only would scarce conference personnel have to be secured (perhaps specially recruited, then trained) and facilities be built, but Governments would have to equip themselves with sufficient personnel to read, digest, and otherwise cope with the increased documentation and meeting time required to make present, to say nothing of additional, conferences effective.

104. In view of the seriousness of the situation confronting the United Nations family of organizations, the Committee makes the following recommendations, the implementation of which would make it possible not only to rationalize the programme of conferences but also to ensure the best possible use of the financial and human resources available:

(a) Each major organ of the United Nations and the specialized agencies should review the conference programmes of each of its related bodies, including the functional and regional economic commissions or committees of the United Nations, and similar commissions or committees of the specialized agencies. This review should be conducted with a view to reducing total meeting time to the extent possible, including consideration of the possibility of biennial meetings.

(b) Those specialized agencies whose legislative bodies now meet on an annual basis should consider the possibility of biennial sessions.

(c) All the organizations in the United Nations family should inform the Secretary-General in good time of the conferences and meetings they are planning and when taking their decisions in this regard, they should be guided by the following procedures:

(i) The Secretary-General, in order to carry out his responsibilities for servicing conferences and meetings, and as Chairman of ACC, should, in consultation with the organizations in the United Nations family, draw up in advance a draft consolidated annual calendar of all conferences and meetings, reconciling as far as possible the total available resources and the views expressed by the various bodies concerned;

(ii) The appropriate organs of each of the organizations concerned, in their endeavours to bring about close co-ordination among themselves, should be invited to take their decisions in establishing their own programmes of conferences and meetings on the basis of the consolidated calendar.

(d) In the budgets of the organizations of the United Nations family, the costs of conferences and meetings should be the subject of:

(i) A special line in the budget, showing the expenditure directly attributable to conferences and meetings;

(ii) An annex containing an estimate of the total expenditure pertaining directly and indirectly to these activities.

(e) The Secretary-General should be asked to recommend a definition of the term "major special conference" which appears in paragraph 5 of General Assembly resolution 2116 (XX).

(f) The Member States of the United Nations and the members of the specialized agencies should be urged to spare no effort in reducing substantially their requests for all conference documentation, so as to facilitate the possibility of presenting it at the most opportune time, in a concise form and in the most economic way, avoiding all unnecessary expenses; that whenever possible the Chairmen should encourage the holding of meetings without verbatim or summary records since, while affording participants an opportunity to express their views more freely, this would lead to a substantial reduction in services and documentation.

(g) Governments normally sending large delegations to international conferences should substantially reduce the size of their delegations with a view to easing the strain on existing conference facilities and decreasing the quantity of documents required for distribution.

(h) No dependent body should be permitted to increase the number or length of its meetings already authorized without the specific approval of the organ which established it.

(i) Where practical, physical facilities for conferences should not be expanded until it has been possible to evaluate the effect of putting into practice the above recommendations.

(j) Only the most urgently needed new conference personnel should be added to the secretariats of the United Nations family of organizations until it has been possible to evaluate the effect of putting into practice the above recommendations.

(k) In the planning of future conferences and meetings the following guide-lines should be taken into consideration by the United Nations family of organizations:

(i) Priorities should be established for fixing the areas and programmes of meetings and conferences on a long-term basis;

- (ii) The availability of human and physical resources necessary for servicing conferences should be determined and taken into account;
- (iii) The financial ability of the organizations and of member States to meet the requirements necessary to hold conferences should be determined and taken into account;
- (iv) An adequate interval of time should be allowed between conferences of the same body or of a similar nature;
- (v) There should be effective co-ordination between the United Nations and the specialized agencies on the convening of major international conferences;
- (vi) Whenever possible the United Nations and the specialized agencies should jointly convene conferences, meetings or seminars which are of a similar or complementary nature.

X. LOCATION OF THE SERVICES OF THE UNITED NATIONS

105. During discussions with representatives of the United Nations Office at Geneva and in subsequent discussions at Headquarters, certain delegations raised the question of the location of various services of the United Nations Secretariat. The view was expressed that some parts could more effectively be placed elsewhere, depending on the location of the body or conference serviced and, in some cases, in connexion with a specialized agency. It was noted that it was unlikely that large numbers of staff would be affected.

106. The Committee considered that further study of the matter might be found useful and noted that the Secretary-General of the United Nations had questions of location under continuous review.

107. The Committee recommends that:

- (a) The Secretary-General's attention should be drawn to the views expressed in the Committee;
- (b) The Secretary-General should be invited to maintain his continuous review of the location of the various services of the United Nations Secretariat, bearing in mind the need for the most effective and economical arrangements.

XI. ADMINISTRATIVE COSTS OF EXTRA-BUDGETARY PROGRAMMES

108. In the total financial resources of the United Nations family of organizations the amount of the extra-budgetary funds has increased considerably over the past ten years. In one organization they are double those provided by the regular budget. As a consequence, in the over-all activity of the organizations the operational programmes have come to the foreground and to a certain extent the character of some of them has changed.

109. The bulk of the extra-budgetary resources is provided by Member States through UNDP. To cover the overhead costs of the assistance programmes the latter's central administration gives the regular budget of the organizations a subsidy amounting to 11 to 14 per cent of the direct project costs.

110. Although the Advisory Committee on Administrative and Budgetary Questions made recommendations on this question in 1965,⁹ in the course of the

Advisory Committee's discussions with agency representatives at Geneva, some of them claimed that the amounts they received from UNDP were inadequate and that they were diverting a substantial part of funds provided for their regular activities to support for extra-budgetary programmes. If the statements of these agencies could be substantiated, it would mean that:

(a) Funds provided in the regular budget of the organizations were being used for financing extra-budgetary tasks instead of being used for the purpose envisaged in the regular budget;

(b) To the extent that overhead costs are not reimbursed, member States are making additional contributions to UNDP;

(c) Budgetary planning should and could be tightened.

111. Other representatives stated that they were reasonably satisfied with the amounts they received. It seems to the Committee that this difference of opinion may be attributable largely to the fact that the problem of determining with precision the administrative costs of any individual programme has undoubtedly become more complex as a result of the integration of staff who service the over-all programmes. However, the Committee was not in a position to look into this problem in as much detail as it would have wished.

112. The Committee therefore recommends that the Advisory Committee on Administrative and Budgetary Questions keep the problem of the administrative costs of extra-budgetary programmes under review in order to ensure equitable sharing of the overhead cost of the United Nations Development Programme by the executing agencies and UNDP.

XII. OTHER QUESTIONS

A. Personnel questions

113. In a discussion with respect to the composition of the Secretariat and other personnel questions, different positions were expressed, especially on the percentage of the Secretariat which should be staffed by permanent and fixed-term contracts. Certain members of the Committee expressed the view that the effective, and hence economic, servicing of the United Nations and the specialized agencies is possible only if the staff members of the secretariats are recruited on a broad geographical basis, which, they stated, is now prevented by the system of permanent contracts. Other members disagreed and believed that the system of permanent contracts, taken together with the provision for fixed-term contracts already provided for under recent decisions of the General Assembly, result in the best and most economic method of recruitment of an efficient secretariat on an equitable geographic basis and in securing the highest standards of efficiency, competence and integrity.

114. The Committee noted that these matters have been kept under continuous review by the Secretary-General and the General Assembly. The Committee, referring to the Secretary-General's report of October 1965,¹⁰ noted that the Secretary-General with a view to redressing the imbalance in the composition of the Secretariat, has undertaken special recruitment efforts, but in spite of the efforts already made, suitable results have not as yet been attained.

⁹ See document A/5842 (mimeographed).

¹⁰ *Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 84, document A/6077.*

115. The Committee recommends that the Secretary-General should make every effort to improve the measures he has already undertaken in the matter of permanent and fixed-term contracts, in order to correct the imbalance in the composition of the Secretariat to the largest extent possible, keeping fully in mind the principles of Articles 100 and 101 of the Charter.

B. *United Nations bond issue*

116. Some members drew the Committee's attention to the fact that, whereas the expenses for certain peace-keeping operations are kept apart from the regular budget of the United Nations, repayment of the bond issue, which was primarily intended and utilized to finance these operations, was not kept apart from the regular budget, nor was it subject to the special criteria adopted by the General Assembly for the apportionment of contributions to peace-keeping expenses. They suggested that the Committee recommend to the General Assembly that a special account be established for the amortization of the bond issue and interest payable thereon, and that it be financed according to the special criteria set forth in resolution 1874 (S-IV) or such other criteria as the General Assembly may approve for the apportionment of contributions. They maintained that this matter was fully within the Committee's competence, since it related to the income budget of the United Nations, and that, by preserving the principle of collective responsibility of the membership, the suggested change in the methods of financing the repayment of the bond issue respected entirely the obligation incurred by the United Nations in this connexion.

117. Certain members held the view that all peace-keeping operations and their financing must be authorized by the Security Council.

118. Some members, including those holding the view referred to in the preceding paragraph, considered that matters relating to the United Nations bond issue did not come within the competence of the Committee, as defined in General Assembly resolution 2049 (XX), because they related to peace-keeping operations and because the understanding was reached during the debate leading to the creation of the Committee that the Committee was not to deal with these matters. Some of them stated that the proposal could not be considered, for it impaired the integrity of commitments made by the United Nations, on which a large number of States relied in purchasing the Organization's bonds, and because it included a change in the method and source of collection of funds for repayment; they recalled, in connexion with the preceding paragraph, that they take a different view of the relative competences of the Security Council and the General Assembly.

C. *Other matters*

The United Nations regular programme of technical assistance

Division of the budget into an administrative budget and an operational budget

Methods of financing; rates of assessments

119. Certain members of the Committee proposed that the United Nations regular programme of technical assistance be transferred from the United Nations regular budget to the United Nations Development

Programme, which is financed through voluntary contributions. They also proposed that the United Nations regular budget be broken down into an administrative budget and an operational budget. The latter would provide for the expenses arising from research and operational activities. The Committee on Contributions would be invited to formulate proposals concerning the methods and means for the financing of these two budgets. They finally expressed the opinion that those Member States which, for various reasons, so wished, be allowed to pay the part of their contributions which related to the regular programme of technical assistance in their national currencies, or in kind.

120. Several other members expressed the view that the regular programme of technical assistance should be kept in the regular budget of the United Nations in order to safeguard the principle of collective responsibility and the multilateral nature of the programme. Some of these members were also of the view that breaking down the United Nations budget into administrative and operational expenses might be advantageous if it were done in order to alleviate the financial burden of the developing countries by adopting special criteria of assessment for financing operational expenses.

121. The same members mentioned in the last sentence of the preceding paragraph recommended that, in order that the capacity to pay of the developing countries be more fully taken into account, those specialized agencies which applied methods of assessment similar to those utilized to determine the United Nations scale of contributions to the regular budget should bring as soon as possible their scales of assessments into harmony with that of the United Nations, giving due consideration to differences in membership and other such factors.

122. Some members of the Committee thought that, without prejudice to their views on the above-mentioned questions, transferring the United Nations regular programme of technical assistance from the United Nations regular budget, and changing the present methods of financing operational and research activities either through a system of voluntary contributions, or through a system of payments in kind or in some national currencies, or through a special scale of assessments, were questions which have political bearing, and which, accordingly, did not fall within the terms of reference of the Committee. They held the same view about suggested changes in the scales of assessments of the specialized agencies.

123. Those members who did not agree with the various reasons stated above for separate administrative and operational budgets did join with the others in a general agreement—as set forth in paragraph 32 above—that simply “for the purpose of imparting greater clarity to the existing budget documents” the organizations should submit an annex to their budgets “which should give a breakdown of expenditures into administrative costs, operational costs, and general research and study costs”.

124. The Committee took note of the above-mentioned positions and recognized that there were forums in which these matters might be taken up. It recommends accordingly that attention be given to these matters by the General Assembly of the United Nations, when they are raised by Members.

Annexes

ANNEX I

Lists of representatives to the *Ad Hoc* Committee
 First session (New York, 2 February-25 March 1966)

[For a list of the representatives to the *Ad Hoc* Committee
 at its first session, see A/6289 and Add.1 and 2, annex 11, p. 7
 of the present fascicle.]

Second session (Geneva, 19 April-6 May 1966)

ARGENTINA

Representative:
 Mr. Raúl A. Quijano

BRAZIL

Representative:
 Mr. David Silveira da Mota

CANADA

Representative:
 Mr. James Douglas Gibson

Alternates:
 H.E. Mr. S. F. Rae;
 Mr. Dudley C. Bignell

Advisers:
 Mr. Sydney A. Freifeld
 Mr. J. A. Beesley

FRANCE

Representative:
 Mr. Guillaume Guindeg

Alternate:
 Mr. Michel van Grevenynghe

Advisers:
 Mr. Antoine Brunet
 Mr. Michel Lennuyeux-Comnète

HUNGARY

Representative:
 H.E. Mr. Károly Csatorday

Alternate:
 Mr. József Tardos

Adviser:
 Mr. J. Benyi

INDIA

Representative:
 Mr. T. P. Singh

Alternate:
 Mr. S. K. Singh

Adviser:
 Mr. S. V. Purushottam

ITALY

Representative:
 H.E. Mr. Mario Majoli

Alternate:
 Mr. F. Capece-Galeota

Advisers:
 Mr. F. Capece-Galeota
 Mr. Fabrizio De Martiis

JAPAN

Representative:
 Mr. Masahiro Nishibori

Alternate:
 Mr. Tokichiro Uomoto

Advisers:
 Mr. Junichi Nakamura
 Mrs. Hisami Kurokochi

NIGERIA

Representative:
 Mr. Adebayo Adedeji

SENEGAL

Representative:
 Mr. Ménoumbé Sar

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:
 H.E. Mr. P. M. Chernyshev

Alternates:
 Mr. K. N. Plotnikov
 Mr. A. F. Sokirkin

Adviser:
 Mr. V. S. Pozharsky

UNITED ARAB REPUBLIC

Representative:
 Mr. Ashraf Ghorbal

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representative:
 Sir George Humphrey Middleton, K.C.M.G.

Alternate:
 Mr. James Gibson, C.B.E.

Advisers:
 Mr. John R. H. Evans
 Mr. J. G. Quinton
 Mr. L. C. J. Martin
 Mr. C. Broadbent
 Mr. C. F. Pennison

UNITED STATES OF AMERICA

Representative:
 H.E. Mr. Philip M. Klutznick

Alternates:
 H.E. Mr. Roger W. Tubby
 Mr. Albert F. Bender
 Mr. Wilbur H. Ziehl

Advisers:
 Mr. Paul W. Jones
 Mr. David L. Stottlemeyer
 Miss Betty Gough
 Mr. James R. Wachob
 Miss Estelle M. Wetzler

Third session (New York, 6 June-19 July 1966)

ARGENTINA

Representative:
 Mr. Raúl A. Quijano

Alternate:
 Mr. Carlos da Cunha

Adviser:
 Mr. Roberto Dalton

BRAZIL

Representative:
 H.E. Mr. José Sette Câmara

Alternate:
 Mr. David Silveira da Mota

Adviser:
 Mr. Sergio Damasceno Vieira

CANADA

Representative:
 Mr. James Douglas Gibson

Alternates:

Mr. Gordon E. Cox
Mr. Dudley C. Bignell

Advisers:

Mr. Sydney A. Freifeld
Mr. V. G. Turner
Mr. G. I. Warren

FRANCE

Representative:

Mr. Guillaume Guindecy

Alternate:

Mr. Michel van Grevenynghe

Advisers:

Mr. Ivan Martin Witkowski
Mr. Antoine Brunet

HUNGARY

Representative:

H.E. Mr. Károly Csatorday

Alternates:

Mr. József Tardos
Mr. Arpád Prandler

Advisers:

Mr. Ede Gazdik
Mr. Géza Selmezi

INDIA

Representatives:

Mr. T. P. Singh (until 11 July 1966)
H.E. Mr. G. Parthasarathi (as of 11 July 1966)

Alternates:

Mr. S. K. Singh
Mr. C. R. Gharekhan

Adviser:

Mr. G. S. Bhasin

ITALY

Representative:

H.E. Mr. Mario Majoli

Alternates:

Mr. Vincenzo Tornetta
Mr. C. M. Rossi Arnaud

Adviser:

Mr. Fabrizio De Martis

JAPAN

Representative:

H.E. Mr. Isao Abe

Alternate:

Mr. Tokichiro Uomoto

Adviser:

Mr. Kiyoshi Furukawa

NIGERIA

Representative:

Mr. Adebayo Adedeji

SENEGAL

Representative:

Mr. Abdou Ciss

UNION OF SOVIET SOCIALIST REPUBLICS

Representative:

H.E. Mr. P. M. Chernyshev

Alternates:

Mr. K. N. Plotnikov
Mr. A. F. Sokirkin

Advisers:

Mr. V. F. Ulanchev
Mr. V. V. Lozinsky

UNITED ARAB REPUBLIC

Representative:

H.E. Mr. Mohamed Awad El Kony

Alternate:

Mr. Ashraf Ghorbal

Adviser:

Mr. Shaffie Abdel-Hamid

Secretary:

Mr. Ibrahim Allam

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Representative:

Sir George Humphrey Middleton, K.C.M.G.

Alternates:

Mr. James Gibson, C.B.E.
Mr. R. M. Peet
Mr. E. Youde, M.B.E.
Mr. P. J. S. Moon

Adviser:

Mr. J. I. M. Rhodes

UNITED STATES OF AMERICA

Representative:

H.E. Mr. Philip M. Klutznick

Alternates:

Mr. Albert F. Bender
Mr. Seymour M. Finger
Mr. Wilbur H. Ziehl

Advisers:

Mr. Paul W. Jones
Mr. David L. Stottlemeyer

ANNEX II

Letter, dated 15 February 1966, from the Chairman of the *Ad Hoc* Committee to the executive heads of the specialized agencies and the International Atomic Energy Agency

[For the text of this letter, see A/6289 and Add.1 and 2, annex VI, p. 42 of the present fascicle.]

DOCUMENT A/6465

Note by the Secretary-General

[Original text: English]
[12 October 1966]

1. In the Secretary-General's statement to the Fifth Committee at its 1124th meeting, on 10 October 1966, he indicated that, should the Assembly give general endorsement to the second report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (A/6343), he would consider it to be his special responsibility to take all appropriate steps to facilitate its earliest and fullest implementation. He added that "in so far as certain recommendations fall within the Secretary-General's . . . competence, as chief administrative officer of the United Nations, they will be taken up with the least possible delay" (A/C.5/1965, para. 3).

2. The Secretary-General has been asked to express the appreciation of his colleagues, the executive heads of the specialized agencies and IAEA, for the proposal made by the Chairman of the Fifth Committee, and the decision of the Committee itself to postpone consideration of the report of the *Ad Hoc* Committee until ACC had had an opportunity of considering the report. This courtesy is fully in keeping with the spirit and the manner in which the *Ad Hoc* Committee conducted its inquiries. The ACC has now met. While the executive heads of the agencies cannot at this stage attempt a joint statement to the General Assembly, they have agreed with the spirit and the broad lines of the comments which follow.¹¹

3. The Committee's report is welcomed as a valuable body of recommendations aimed at improving the planning and administration of international programmes. The recommendations relate to a very wide range of subjects, and it will be appreciated that in respect of each of these subjects different elements are involved, such as the number of agencies and organs concerned, the pace at which changes could be introduced, and the degree of interagency consultation and co-operation necessary. Moreover, some of the recommendations call for action by organizations individually, others for joint action by the United Nations family. Among the recommendations in the first category, many are already applied in certain agencies, and some have been under consideration.

4. While in some cases the necessary decisions could be taken by the agencies' executive heads, most of the more important recommendations would require consideration and decisions by the agencies' governing organs, in accordance with their respective constitutions. Some proposals—for example those dealing with the process of budget preparation—pose difficult practical problems; while a few—for example that relating to the budget cycle—might require a constitutional amendment in some agencies.

5. As the Chairman of the Advisory Committee on Administrative and Budgetary Questions indicated in his statement¹² to the Fifth Committee at its 1124th

meeting, on 10 October 1966, complete and immediate compliance with all recommendations will not be easy, and some recommendations will need to be elaborated or refined. Should the General Assembly give a general endorsement to the Committee's proposals, every effort will undoubtedly be made within each of the organizations concerned to put into effect as many of the recommendations as possible and, where necessary, to present the issues to the agencies' appropriate organs. A major responsibility would lie with the executive heads as well as the legislative organs of the agencies. The members of ACC individually are prepared for their part to accept that responsibility, sharing to the full the hope expressed by the *Ad Hoc* Committee in paragraph 17 of its report, that its recommendations would "further strengthen and invigorate the United Nations family of organizations in the performance of their fundamental task"—the task of promoting human, social and economic development.

6. Certain comments may now be offered in regard to the consideration and implementation of particular recommendations. Those set forth in chapters III, IV and V of the Committee's report (dealing with budget preparation, presentation and performance, with the budget cycle and with standardization of nomenclature) are in the main addressed to individual organizations. Should the recommendations receive general approval, it will be for each of those organizations to consider how to adapt and improve its practices and procedures in the light of the changes called for, the extent to which such changes are practicable, and the manner in which they might best be effected. In respect of at least two subjects referred to by the Committee—the form of reporting to the Economic and Social Council on budgets and nomenclature—interagency co-operation is already well under way. In other areas, the possibilities for co-operative action can be explored as the investigations into such matters as long-term planning and the budget cycle proceed. As regards the proposal for the formation of a joint panel of auditors, definitive action would have to be taken within each agency by its general conference or assembly, by which the external auditors are appointed and to which they report. The necessary interagency consultations at the secretariat level, in preparation for such action, could proceed forthwith.

7. The proposal for the creation, in agreement among the various organizations of the United Nations family, of a joint inspection unit involves a major innovation of quite special interest and potential importance. It is understood that the aim of the *Ad Hoc* Committee in making this proposal is to provide support to the Governments of Member States represented on the legislative and governing organs and to the executive heads of the different organizations in the exercise of their constitutional responsibilities, particularly with a view to ensuring that the activities of the United Nations family are pursued in the most economical way and with the optimum use of available resources. Thus conceived, a corps of this kind, with its independence and professional authority and its relative freedom from deadlines, might well come to play a most valuable role.

¹¹ Neither the International Monetary Fund nor the International Bank for Reconstruction and Development and its affiliates, the International Finance Corporation and the International Development Association, have come within the purview of the *Ad Hoc* Committee's inquiry and recommendations, and they are not associated with the present statement.

¹² *Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 74, document A/C.5/1066.*

8. A key element in the proposal is that the inspection unit should be joint, and that it should accordingly be established and operate in full agreement and understanding among all the organizations concerned. This agreement and understanding would have to cover such vital matters as the method of choosing the inspectors, the manner in which they would be organized and operate, their relations with the external auditors, and the handling of their reports. The Secretary-General and his colleagues are ready to arrange for intersecretariat consultations with a view to reaching agreement on the details of the scheme and the modality of its implementation. Such consultations should, the Secretary-General suggests, be followed by consultations with the Advisory Committee before the scheme is referred for consideration to the respective boards and councils of the agencies.

9. The need for long-term integrated programme planning has received increasing attention from the Economic and Social Council and the General Assembly during the past two years. On the basis of Council resolution 1089 (XXXIX), of 31 July 1965, and General Assembly resolution 2084 (XX), of 20 December 1965, an interim report on the subject has been prepared by the Secretary-General in full consultation with the agencies through ACC, which established a special sub-committee for the purpose. This report¹³ is before the General Assembly at its twenty-first session, and has already been considered by the Council, which by its resolution 1152 (XLI), of 4 August 1966, requested the Secretary-General:

"I... to consider, in consultation with all the organizations of the United Nations family concerned and, in particular, with the assistance of the Committee for Development Planning:

"(a) What preparations are required in order to further and to facilitate planning for concerted international action for the period after the Development Decade, having regard to the experience gained during this Decade;

"(b) How such planning might best reflect and might best be co-ordinated with the national development programmes of the developing countries."

The United Nations family is only taking the first tentative steps in the direction of long-term integrated programme planning, but a beginning has been made. Since individual organizations have responsibility for the formulation and execution of their individual programmes, the *Ad Hoc* Committee has properly addressed its detailed recommendations to the individual agencies. The Secretary-General and his colleagues in ACC are ready to explore with their respective governing organs the full possibilities of implementing these recommendations, and ACC stands ready to help co-ordinate and synchronize the process.

10. To a large extent what has been said above applies to the *Ad Hoc* Committee's recommendation on the question of evaluation, the significance of which, as the Committee has noted, is being increasingly recognized by the different organizations in the United Nations family. Almost all of these organizations indeed, and many units within them, have recently been initiating arrangements—or expanding existing ones—for evaluating the efficiency and the efficacy of their ac-

tivities. The type of evaluation to which the Council has been giving primary attention relates to the over-all impact and effectiveness of the operational programmes of the United Nations family. At its last session, the Council decided, by its resolution 1151 (XLI), to continue and develop its systematic work in this field, with particular reference to the development of methods and standards. It endorsed the establishment of an inter-agency study group by ACC to examine the reports of the individual evaluation teams with a view to determining ways in which the operation of technical co-operation programmes can be rendered more effective. This interagency study group is already at work and the Secretary-General is to report to the Council at its forty-third session on all aspects of evaluation activity covered by its resolution 1151 (XLI).

11. In chapter VIII of its report, after analysing the constitutional framework within which the possibilities of more effective co-ordination might be pursued, the *Ad Hoc* Committee has addressed a number of recommendations regarding co-ordination to the General Assembly, the Economic and Social Council, ACC and individual agencies. To the extent that these recommendations are either specifically made to ACC or the agencies, or call for response from them, the Secretary-General and his colleagues on ACC will study them with a view to a further strengthening of the existing machinery and procedures at the international level, recognizing that, as reflected in the Committee's report, the ultimate responsibility for good co-ordination among the different organizations lies with Governments. It should be noted that a number of the *Ad Hoc* Committee's recommendations in this field refer to subjects—such as the organization of ACC's own work, the strengthening of its staff support, and the possibilities of harmonizing conference schedules—to which the Economic and Social Council has recently devoted attention and which are under active consideration by ACC.

12. Limitation on and greater efficiency in the handling of conferences and documentation are long-standing issues. As noted in the *Ad Hoc* Committee's report, the Advisory Committee, the Secretary-General and ACC have on numerous occasions drawn attention to the serious problems arising from the increase in the demand from intergovernmental bodies for conference services and documentation. This matter is currently under review by many of the agencies as well as by ACC, which has been considering practical steps to reduce the documentation submitted to the Council and of helping to rationalize the Council's schedule of conferences. The Secretary-General, in his report on documentation to the Council at its fortieth session,¹⁴ put forward specific proposals for the reduction of documentation required for the Council, which the latter has now endorsed. The Council decided that, in addition to the Statistical Commission and the Population Commission, the Commission on Narcotic Drugs and the Committee on Housing, Building and Planning should now meet on a biennial basis. During the fourth session of the Trade and Development Board the Secretary-General of UNCTAD put forward specific suggestions designed to reduce the duration and proliferation of meetings of UNCTAD bodies, including ways of shortening the agenda for the second session of UNCTAD.

¹³ See *Official Records of the Economic and Social Council, Forty-first Session, Annexes, agenda item 5, documents E/4196 and Add.1-3.*

¹⁴ *Ibid.*, *Fortieth Session, Annexes, agenda item 17, document E/4157.*

13. While the Secretary-General and the executive heads of the agencies will continue to carry out their responsibility for keeping intergovernmental bodies fully informed about the conference schedule and the question related to documentation, Governments must accept their responsibilities both for making decisions concerning the convening of conferences and other meetings and for limiting their requests for documentation. In the case of the United Nations itself, the responsibilities of Governments in this respect are particularly onerous as, with the exception of the General Assembly, there is now no one body charged specifically with the responsibility for the conference schedule of the Council and subsidiary organs, UNCTAD and its subsidiary organs, the United Nations Development Programme and the projected United Nations Organization for Industrial Development, which, if it is already proposed, should have

a number of subsidiary organs. The Secretary-General wishes to draw attention to the tendency of these different bodies to request somewhat similar documentation for their meetings.

14. Several references have been made above to the need for interagency consultations to prepare for the submission of the *Ad Hoc* Committee's recommendations to the various agency boards and councils. The ACC is ready to arrange such consultations and to facilitate and expedite as much as possible the process envisaged by the *Ad Hoc* Committee of reaching practical agreement on questions of implementation. The Secretary-General will seek the co-operation of his colleagues in ACC in reporting progress to the General Assembly at its next session, should such a report be desired.

DOCUMENT A/6475

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[18 October 1966]

1. In accordance with the special mandate received from the General Assembly under the terms of its resolution 2049 (XX), of 13 December 1965, paragraph 6, sub-paragraphs (a) and (b), the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, was invited to:

"(a) Examine, with the assistance of the Advisory Committee on Administrative and Budgetary Questions and in liaison with the Secretary-General and the executive heads of the specialized agencies and of the International Atomic Energy Agency, the entire range of the budgetary problems of the United Nations and the organizations brought into relationship with it, notably their administrative and budgetary procedures, the means of comparing and, if possible, standardizing their budgets and the financial aspect of their expansion, with a view to avoiding needless expenditure, particularly expenditure resulting from duplication;

"(b) Submit to the General Assembly at its twenty-first session, without prejudice to the terms of reference of the Special Committee on Peacekeeping Operations, such recommendations as it may deem appropriate, in order, on the one hand, to secure better utilization of the funds available through rationalization and more thorough co-ordination of the activities of the organizations and, on the other, to ensure that any expansion of those activities takes into account both the needs they are intended to meet and the costs Member States will have to bear as a result".

2. As requested by the General Assembly, the Advisory Committee on Administrative and Budgetary Questions gladly extended the assistance required of it by the *Ad Hoc* Committee. In a number of cases individual members of the Advisory Committee also represented their Governments in the *Ad Hoc* Committee's meetings. Given these circumstances, the Advisory Committee felt that it might be of some advantage and assistance to the General Assembly if it followed in this case also its usual procedure, that of submitting observations on all reports of an adminis-

trative and budgetary nature, and accordingly offers herewith some general comments on the very pertinent recommendations presented by the *Ad Hoc* Committee in its second report to the General Assembly (A/6343).

3. In this connexion, the Advisory Committee would first refer to that portion of the Secretary-General's statement to the Fifth Committee at its 1124th meeting, on 10 October 1966 (A/C.5/1065), introducing his budget estimates for 1967, in which he commented on the second report of the *Ad Hoc* Committee, limiting himself at that time to those observations which he believed relevant to his position as Secretary-General of the United Nations. He stated that in the event, as he hoped would be the case, that the Assembly generally endorsed the *Ad Hoc* Committee's report, he would consider it to be the special responsibility of the Secretary-General to take all appropriate steps to facilitate its earliest and fullest implementation. The Secretary-General also observed, *inter alia*, that he believed many of the proposals and ideas put forward in 1966 as a consequence of the more searching review of the administrative, financial and budgetary practices, warranted the most careful consideration, and offered the assurance that, within the Secretariat's capacities, no effort would be spared in attempting to put into effect recommendations which received the General Assembly's endorsement.

4. In a subsequent note (A/6465) the Secretary-General, on behalf of his colleagues on the Administrative Committee on Co-ordination, commented on that Committee's recent review of the second report of the *Ad Hoc* Committee, and stated that while the executive heads of the agencies had decided that they could not at this stage attempt a joint statement to the General Assembly, they agreed with the spirit and the broad lines of the comments contained in paragraphs 3 to 14 of his note to the Assembly.

5. At the same time ACC reflected on a number of the *Ad Hoc* Committee's recommendations which it felt would require consideration and decisions by the agencies' governing organs, in accordance with their respective constitutions. Among those mentioned were

the *Ad Hoc* Committee's proposals dealing with the process of budget preparation, which ACC felt would pose difficult practical problems, and that relating to the budget cycle which might require a constitutional amendment in some agencies. As regards the formation of a joint panel of auditors, ACC felt that definitive action would have to be taken within each agency by its general conference or assembly, by which the external auditors are appointed and to which they report. The ACC also indicated that a key element in the proposal for creation of an inspection unit was that the unit should be joint, and that it should accordingly be established and operate in full agreement and understanding among all the organizations concerned.

6. As regards the need for long-term integrated programme planning, ACC pointed out that the subject had received increasing attention from the Economic and Social Council and the General Assembly during the past two years. In commenting on the long-standing issues of greater efficiency in the handling of conferences and documentation, ACC noted that the Advisory Committee, the Secretary-General and ACC had on numerous occasions drawn attention to these serious problems. The ACC also mentioned that Governments must accept their responsibilities both for making decisions concerning the convening of conferences and other meetings and for limiting their requests for documentation.

7. The ACC, through its Chairman (A/6465, para. 14), expressed its readiness to arrange the required interagency consultations to prepare for the submission of the *Ad Hoc* Committee's recommendations to the various agency boards and councils, and also to facilitate and expedite as much as possible the process envisaged by that Committee for reaching practical agreement on questions of implementation.

8. The Advisory Committee acknowledges the prompt review and initial response of ACC to the recommendations contained in the second report of the *Ad Hoc* Committee. While the Advisory Committee does not necessarily agree with all the views and reservations expressed by the Secretary-General on behalf of ACC, it recognizes that complete and immediate compliance with all recommendations may not be easy. However, it is confident that all members of ACC will give careful consideration to the *Ad Hoc* Committee's recommendations and will facilitate, where required, their acceptance by the respective legislative bodies of the specialized agencies and ensure their implementation at an early date.

9. As indicated by the Chairman of the Advisory Committee in his statement¹⁵ to the Fifth Committee at its 1124th meeting, on 10 October 1966, the Advisory Committee, having for many years advocated a more comprehensive discharge by the General Assembly of its responsibilities under Article 17, paragraph 3, of the United Nations Charter, noted with satisfaction Assembly resolution 2049 (XX), of 13 December 1965, establishing the *Ad Hoc* Committee. The second report of that Committee contains recommendations of great value, relating to such matters as long-term planning, audit and inspection, interagency co-ordination, budget preparation and budget cycle, and the need for efficient and realistic scheduling of conferences and the issuance of related documentation. These recommendations, when implemented, will be of considerable as-

sistance in the realization of the objectives desired by the General Assembly as set forth in paragraph 6, sub-paragraph (b), of resolution 2049 (XX).

10. The Advisory Committee would point out that most of the pressing problems on which the *Ad Hoc* Committee has presented such concrete recommendations have been the subject of its own concern, observations and recommendations over the last few years. Its reports—annual reports on the budget estimates (A/5507,¹⁶ A/5807,¹⁷ A/6007¹⁸ and A/6307¹⁹), annual reports on the administrative and budgetary co-ordination of the United Nations with the specialized agencies and IAEA (A/5332,²⁰ A/5599,²¹ A/5859²² and A/6122²³) and a report on overhead costs (A/5842²³)—have covered such items as the central machinery for co-ordination, programme co-ordination, long-term programming and budgeting, form of budget presentation, rationalization of the conference and meetings programme, consolidation of premises and services, the common system, administrative overhead costs of extra-budgetary programmes, co-ordination in the field, statutory requirements or increases, documentation, and the work programme of the United Nations in economic, social and human rights fields and its budgetary requirements.

11. In paragraph 67 of its second report, the *Ad Hoc* Committee, has recommended certain measures which it believes would serve to strengthen the external administrative and financial controls of the organizations. In addition to suggesting expanded responsibilities for the external auditors, it recommends the establishment, on an experimental basis, of a small inspection unit, composed of specialists highly qualified in financial and administrative matters, which in the opinion of the *Ad Hoc* Committee would make an effective contribution not only towards improving management and methods, but also towards achieving greater co-ordination between the organizations. While the Advisory Committee recognizes that the modalities governing the establishment, composition, operation and reporting of the inspection unit would need to be defined, the Committee is concerned that all organizations give their immediate attention to this important proposal of the *Ad Hoc* Committee.

12. The Advisory Committee has also noted with interest the *Ad Hoc* Committee's recommendation, in paragraph 90, sub-paragraphs (g) and (h) of its report, that the Economic and Social Council should give thought to reconstituting its Special Committee on Co-ordination, to enable it to carry out more effectively its responsibilities of co-ordination. The *Ad Hoc* Committee suggests that the Council should elect 12 experts, from nominations by States Members of the United Nations, having a high degree of experience and competence in the affairs of the United Nations and related organizations, the economic, financial and social areas, and the governing bodies of the specialized agencies and subsidiary bodies of the United Nations. In this connexion, the Advisory Committee has noted that the Council, by its resolution 1090 G (XXXIX), of 31 July 1965, and 1171 (XLI), of 5 August 1966,

¹⁶ *Official Records of the General Assembly, Eighteenth Session, Supplement No. 7.*

¹⁷ *Ibid., Nineteenth Session, Supplement No. 7.*

¹⁸ *Ibid., Twentieth Session, Supplement No. 7.*

¹⁹ *Ibid., Twenty-first Session, Supplement No. 7.*

²⁰ *Ibid., Seventeenth Session, Annexes, agenda item 69.*

²¹ *Ibid., Eighteenth Session, Annexes, agenda item 64.*

²² *Ibid., Twentieth Session, Annexes, agenda item 82.*

²³ Mimeographed.

¹⁵ See foot-note 12.

had decided, *inter alia*, that the Special Committee on Co-ordination should be composed of the officers of the Council, the Chairman of the Council's Co-ordination Committee and 10 members of the Council elected annually by the Council, and to change the name of the Special Committee on Co-ordination to the "Committee for Programme and Co-ordination". The Advisory Committee realizes that both of these proposals are designed to strengthen the Special Committee on Co-ordination, and in this regard hopes that the Council will give careful consideration to working out the most effective mechanism for the efficient functioning of that Committee.

13. The Advisory Committee appreciates that some of the recommendations of the *Ad Hoc* Committee may need to be elaborated upon and amplified, while others may need to be refined. Where matters of a technical nature are involved and present practices differ in the various organizations, consultations between those organizations at the expert level, preferably under the auspices of ACC, may lead to such refinement. In addition, the *Ad Hoc* Committee has recommended that a few of the more complicated problems receive further study. It may also be necessary for the executive heads of the specialized agencies to refer some of the recommendations to their legislative bodies for consideration. But in any event, and as indicated in paragraph 8 above, the Advisory Committee feels that every effort should be made by all concerned to implement at an early date as many of the recommendations as possible and urges all organizations to

devote their immediate and constructive attention to the *Ad Hoc* Committee's recommendations.

14. As regards the new assignments recommended for the attention of the Advisory Committee, i.e., to explore further ways and means of bringing the layout of the budgets of the various organizations into line, to review systematically and in depth the administrative and management procedures concerning the programmes and budgets of the specialized agencies, and finally, to participate in a detailed study of a proposed biennial budget cycle for the United Nations, the Advisory Committee will endeavour to carry out these assignments. In order to discharge adequately these additional responsibilities, the Advisory Committee is giving thought to the necessary adjustments which may be required in its working arrangements, and also to the close co-operation that will be required from the respective organizations.

15. In the expectation that the General Assembly will give its endorsement to the recommendations contained in the second report of the *Ad Hoc* Committee, the Advisory Committee suggests that the Assembly may wish to request the Secretary-General, as chief administrative officer of the United Nations, to submit, on behalf of all participating organizations, a progress report to the Advisory Committee at its May-June session in 1967, on the implementation of the *Ad Hoc* Committee's recommendations. It is to be expected that a more comprehensive report will be submitted to the General Assembly at its twenty-second session.

DOCUMENT A/C.5/1073

Statement made by the Chairman of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies at the 1130th meeting of the Fifth Committee

[Original text: English]
[21 October 1966]

1. It is no mere coincidence that the report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies [A/6343] is being introduced in this Committee of the Assembly at about the same time as we are getting ready to celebrate United Nations Day. Those who worked on this report had only one purpose and one objective: to strengthen the United Nations and the United Nations system, not to weaken them. I feel confident that all those who examine the report here, and all those who, later on, will consider it with a view to implementing its recommendations, will share with us this one objective: to strengthen the United Nations.

2. Before proceeding to the actual introduction of our report and to outlining a few main points of our work, may I be permitted to fulfil the pleasant duty to express some thanks. First of all, my gratitude to my colleagues of the *Ad Hoc* Committee. It has been a great experience and a real pleasure working with them for about six months in New York and at Geneva, and we were able to develop a cordial understanding among us. Its value goes far beyond the technical nature of our co-operation, and included reflections of political significance and several long-lasting personal friendships. I would ask the delegations of those of the Committee who are not with us today to convey these feelings to them.

3. I also have to express gratitude to all the officials of the Secretariat who have undertaken so much toil to make the thorough performance of our task possible. The Secretary-General, speaking in this room on 10 October, was so kind as to say that he was "paying tribute to the thorough and competent manner in which the *Ad Hoc* Committee performed the exacting task entrusted to it" [A/C.5/1065, para.1]. I must say, in my turn, that we could not have performed our task in that way if the Secretary-General had not given us the benefit of his advice and if the Controller and his very able assistants had not borne with so much patience our endless questioning, providing us with all the data and documents that we requested.

4. And indeed, since the Secretary-General said that in expressing that tribute he was sure that he could speak for the whole family of international organizations, I would like, in turn, to say that we received the most thorough co-operation from the executive heads of the agencies, their deputies and staffs who answered our questions in the most satisfactory way and provided us with very ample data.

5. We have already expressed, in paragraph 13 of the report, our gratitude to all those officials of the United Nations family of organizations, to the Chairman of the Advisory Committee on Administrative and Budgetary Questions, and to the members of the Secretariat who directly serviced the *Ad Hoc* Committee

of Experts during its three sessions, but I should not miss this opportunity of renewing our expression of gratitude. Had circumstances permitted, I would gladly have expressed it in the presence of the Secretary-General, but I am sure the Controller will convey it to him.

6. Our report starts by reproducing the full text of General Assembly resolution 2049 (XX). I think this is most appropriate, because an attentive rereading of the text of the preambular and operative paragraphs of that resolution, adopted practically unanimously by the Assembly, makes clear the wide nature and scope of the challenging task that the *Ad Hoc* Committee of Experts had to perform. Resolution 2049 (XX) tells us, among other things, in its preambular paragraphs that:

"... magnitude of the amounts henceforth placed at the disposal of the Organization, the specialized agencies and the International Atomic Energy Agency, either under their regular budgets or in the form of funds constituted from voluntary contributions, requires a detailed examination of the procedures for preparing and approving the budgets and a review of the procedures for controlling the execution thereof".

It further reminds everyone that the General Assembly is competent to carry out an over-all examination of the budgets of the United Nations and the agencies with particular reference to the means of comparing and, if possible, standardizing them, in order to enable the corresponding activities to be rationalized, and to ensure that such activities are pursued in the most effective and economical manner, with regard both to development needs and the costs that Member States have to bear.

7. Accordingly, in its paragraph 6, the resolution, *inter alia*, asked the *Ad Hoc* Committee of Experts to: (a) examine the entire range of the budgetary problems of the United Nations family of organizations, notably their administrative and budgetary procedures, the means of comparing and, if possible, standardizing their budgets and the financial aspect of their expansion, with a view to avoiding needless expenditure, particularly expenditure resulting from duplication; (b) submit to this Assembly appropriate recommendations to secure better utilization and more thorough co-ordination of the activities of the organizations.

8. That was the consensus at the twentieth session of the General Assembly, which so unanimously welcomed the French initiative. It appeared to all Member States that after the United Nations has been in existence for twenty years and in view of the growth of its membership and the extraordinary increase of the economic and social activities of the whole United Nations system, it was highly advisable, and indeed necessary, to seek a more rational and realistic *modus vivendi*—I am now borrowing some expressions used by the Secretary-General when he inaugurated our first session on 2 February 1966—"between virtually unlimited needs, on the one hand, and the costs which Member States, individually and collectively, are able and willing to bear, on the other."

9. Having so recalled, through the very words of resolution 2049 (XX), the true nature of the task we had to perform, I should add that from the beginning we were quite aware of its importance and its difficulty, but we became even more deeply aware of it after

reading such documents as a note by the Secretary-General on co-ordination of the activities of the United Nations family of organizations (A/AC.124/R.19,²⁴ dated 1 February 1966), a note by the Chairman of the Advisory Committee regarding administrative and budgetary co-ordination of the United Nations with the specialized agencies and IAEA (A/AC.124/R.32,²⁴ dated 16 March 1966) and the many documents prepared for us by the various agencies and their replies to the questions asked by some members of the Committee.

10. All those documents showed that a great deal is currently being done to solve the same problems for whose solution the Committee was set up, such as the best use of the means and human resources available, the elimination of unnecessary expenses and possible duplication, financial control and proper budget processing, which really indicated to us, even more clearly, how challenging was our task: it demanded boldness and imagination if meaningful results were to be achieved. We were to try and suggest further improvements in co-ordination, among so many sincere efforts, and to point the way to more and more effective control and planning, etc., with a fresh outlook and a vision worthy of the broad horizon of the task in front of us.

11. Paragraph 17 of the report tells how we have endeavoured to undertake such a difficult and exacting assignment. We concentrated on the measures which could "ensure greater efficiency and real value for money in the vital work of human, social and economic development", paying particular attention to efficiency, elimination of possible duplication and overlapping, improved methods of budget preparation and presentation, control, long-term planning and evaluation, with the purpose steadily in mind of further strengthening and invigorating the United Nations family of organizations in the performance of their great task.

12. The members of the Fifth Committee have had before them for some time now the report of the *Ad Hoc* Committee of Experts, issued on 19 July last, about two months before the opening of the twenty-first session of the General Assembly. The beginning of that document contains an index of the recommendations that the Committee submits to the Assembly in accordance with paragraph 6, sub-paragraph (b), of resolution 2049 (XX). I shall try, however, to mention a few highlights of those recommendations. Of course, my brief summary cannot be complete or perfect. Only the full text of the recommendations represents the consensus of the members of the *Ad Hoc* Committee.

13. First of all, our recommendations refer to budget preparation, presentation and performance. Since in the United Nations family different practices exist in budgetary matters, it appeared necessary to the Committee to ask that uniform procedures be established by all, so as to make the comparison of the various budgets easier.

14. On budget preparation, the Committee recommends that the heads of the organizations should submit preliminary estimates to their respective finance committees or other authorities vested with financial responsibilities, possibly one year before the time when the budget is to be examined by the relevant Assembly or General Conference. After that, final estimates should also be submitted to these committees early enough to be fully examined before the beginning of the Assembly's

²⁴ Mimeographed.

session. For its part, the finance committee should supply to member States its own comments on the estimates received. The finance committee, if not composed of experts, ought to be assisted in its work by financial experts.

15. On the presentation of the budget, the Committee recommends that budget layouts should, if possible, be uniform. However, should some organizations find it necessary to retain for their own budget the layout most closely suited to their particular requirements, they should also submit, in a special document, a breakdown of their expenditures according to a common standard. As far as the United Nations is concerned, this breakdown should include information on the expenses of semi-autonomous units such as UNCTAD or UNOID.

16. Organizations using the traditional budgetary breakdown, i.e., by categories of expenditure, should submit, in an annex, a breakdown of their expenditures by main fields of activity; whereas those using the functional method of budgeting should give a breakdown by categories of expenditure (staff, conferences, travel, etc.). Both should submit a breakdown of expenditure into administrative, personnel, general research and study costs, as well as a descriptive list of the organization's main activities, a geographical annex classifying the different projects by the countries in which they are to be carried out, and an organizational chart, showing the changes in staff in respect to previous years.

17. Each budget should include a foreword showing the main purpose of the proposed activities of the organization and how these fit into the organization's long-term plans. In addition to the total expenditures proposed and the extent to which they differ from those in previous budgets, comments concerning general expenses and the proposed changes in staff should be mentioned in the foreword.

18. The organization should also show clearly how much of the proposed increases are due to an expansion of activities and how much to increases in prices. In respect of the latter, the term "mandatory increases" is inaccurate and should be avoided.

19. As far as budget practice and performances are concerned, the Committee recommends that the heads of the organizations forward to member States a report on their budget performance, showing the changes from the original estimates as soon as possible after the close of the financial year.

20. The heads of organizations should retain the discretion of making transfers within each "appropriation line". However, if a particular appropriation line represents a disproportionately large percentage of the total budget, it should be divided into sub-headings. Any transfer between such sub-headings or between appropriation lines should be authorized by the organ vested with financial authority.

21. Supplementary estimates should in principle be avoided, because unavoidable increases in expenditure should be financed by savings in other sectors. For minor contingent expenses, a special appropriation line might, where necessary, be included in the budget. Only in clearly exceptional cases involving emergencies should drawings be allowed on other funds, as on "working capital funds". In such cases, the drawing should immediately be reported to the competent organs vested with financial responsibility.

22. Working capital funds should only be used to finance ordinary expenditure pending the collection of contributions. The level of these funds should be determined by reference to the expected timing of the inflow and outflow of total funds.

23. Consequently, any request for an increase in an organization's working capital fund should be accompanied by a statement of liquid funds, showing inflows and outflows during the preceding year and a forecast for the coming year.

24. For the budget cycle, the Committee recommends that all specialized agencies with an annual budget should adopt a biennial cycle. As there was no unanimity on the possible adoption of the biennial budget for the United Nations also, the Committee recommends that the Secretary-General should be asked to make a detailed study of the advantages and disadvantages of a biennial cycle for the budget of the United Nations. His report, together with the comments of the Advisory Committee on Administrative and Budgetary Questions, should be submitted to the General Assembly at its twenty-second session.

25. In respect of standardization of nomenclature many commonly used terms such as "sections", "chapters" and "parts" of the budget, and other terms, like "operational", have different meanings in some of the organizations. Therefore, the Committee recommends that the review of the financial regulations instituted by the Secretary-General should be pursued actively in consultation with the agencies, with a view to eliminating such inconsistencies and adopting a standard nomenclature of budgetary and financial terms throughout the United Nations system.

26. We now come to one of the main features of the report: the recommendations concerning audit and inspection. The Committee found it essential to advocate the strengthening of external control. It recommends granting wider power to the external auditors, in order to enable them to make observations not only on financial matters, but also on the administration and management of the organizations. The Committee also suggests studying the possibility of establishing a common panel of auditors for all the organizations of the United Nations family.

27. The Committee then proposes the establishment of a joint inspection unit not exceeding eight inspectors, chosen from among persons competent in national or international administrative and financial matters. The inspectors would be proposed by countries designated by the President of the General Assembly and then nominated by the Secretary-General for an initial period of four years. These inspectors would have broad powers of investigation, and their reports would be forwarded to the head of the organization as well as to the department investigated by them. That department could then express its own observations, which would in turn be forwarded, together with the inspector's report, to the organization's competent authorities.

28. In regard to planning, programming and evaluation of results, the Committee fully recognized the importance of long-term planning. Indeed, long-term planning appears necessary in the modern world to ensure a realistic approach to the programmes which have to be carried out as well as to establish the estimates on the collection of the necessary funds. Only long-term planning can give to the countries which receive assistance through multilateral channels the pos-

sibility of establishing their own national programmes. It is evident that they cannot draw up appropriate programmes if they do not have a fair idea of what will be done to aid them by the international community, although, of course, actual approval of programmes by the legislative and governing bodies would still take place only when budgets are approved.

29. On the other hand, only through long-term planning will it be possible to co-ordinate the activities of various organizations of the United Nations system so that appropriate choices can be made and priorities established.

30. Long-term planning may give the United Nations family of organizations a better awareness of the importance of following one programme rather than another, and it will facilitate co-ordination between the United Nations system and the donor as well as the recipient countries, so as to bring into harmony action through multilateral and through bilateral channels. At the same time, it will make possible the comparison of planned future activities in order to avoid the same field of action being considered separately by different bodies and will facilitate the integration of complementary activities, so as to achieve better results.

31. However, plans should provide leeway for possible adjustments to changing circumstances and for the inclusion of further activities which might respond to the special and often changing needs of the newly independent countries which are in the process of establishing their own personalities. Therefore, the Committee recommends that an integrated system of long-term planning, programme formulation and budget preparation be adopted by all organizations. Each of them, after having established its priority list, should clearly define the specific objectives to be reached within a definitive time-limit; establish major alternatives, with related costs, making provision for adapting basic plans to the changing needs of developing countries. An essential aspect would be the continuous process of review and updating.

32. This could best be carried out by means of a "programme and budget" for the first two years, a "plan" for the second two-year term and an additional two-year "tentative plan" to complete a suggested six-year time period.

33. The organizations should, if possible, synchronize their budget cycles and take into account the results achieved in previous fiscal years. Evaluation should be performed not only while programmes are under way, but also after their completion, if possible, following common evaluation methods and standards.

34. Of course, the Committee considered with very close attention the subject of co-ordination, and you find this matter dealt with in paragraphs 80 to 91 of its report. Co-ordination is indeed an important but also a difficult matter in all instances; in a family, in a firm, in a nation; sometimes even inside an individual, between his inner world and his actions. It is easily understandable how delicate it is to ensure effective co-ordination within such a huge family of organizations as that of the United Nations and the specialized agencies. This subject deserved indeed the most careful consideration.

35. In its report, the Committee first of all recalls the relevant United Nations Charter provisions, placing special emphasis on the role of the Economic and Social Council in entering into relationship agreements with the specialized agencies, co-ordinating their activities

and making the appropriate recommendations. On the other hand, the Committee recalls the substantive elements of the relationship agreements entered into by the agencies, by which the agencies have undertaken to co-operate with a view to making the co-ordination effective.

36. The Committee found—in paragraph 85 of the report—that "while much has been done to implement the provisions of the Charter and of the relationship agreements, certain vital elements in the techniques now being employed could be usefully strengthened".

37. Therefore, the *Ad Hoc* Committee recommends appropriate timing in budget reviews, and the corresponding adjustment of schedules of meetings and conferences; increasing attention to the matter on the part of the Advisory Committee on Administrative and Budgetary Questions and the Economic and Social Council; meetings of alternates of the executive heads of the organizations to be held between meetings of the Administrative Committee on Co-ordination; improvement of the procedures for co-ordination on a geographical basis through the United Nations Development Programme; and, finally, that the Special Committee on Co-ordination of the Economic and Social Council be reconstituted, to consist of twelve experts. This Committee should pay particular attention to overlapping and duplication, consider the existing procedures for co-ordination, have full exchanges of views with representatives of the secretaries of the organizations and work in close liaison with the Advisory Committee and ACC.

38. Finally, the *Ad Hoc* Committee also addresses a recommendation to Governments; they should also co-ordinate their efforts and the position of their representatives to the several organizations.

39. The Committee also looked into the situation of conferences, meetings and documentation. It recognized that conferences and meetings constitute a unique forum in which all Member States may, as equals, express their views and discuss their problems. Nevertheless, the Committee noted in paragraph 96 of its report that, at present, various bodies of the United Nations system may take decisions in this matter regardless of the actions of others. The result is that conferences and meetings have reached unmanageable proportions. Not only, for instance, do they absorb about 20 per cent of the total United Nations budget—an amount of \$26 million is estimated for 1967 for conference activities as far as United Nations alone is concerned—but it becomes more and more difficult for the secretariats to provide adequate facilities and qualified personnel.

40. Moreover, documentation has increased to such a volume that its very usefulness is sometimes jeopardized.

41. In paragraph 102, the report recalls resolution 1202 (XII), of the twelfth session of the General Assembly, establishing a fixed pattern of conferences, and resolution 2116 (XX), of the twentieth session of the Assembly, requesting that not more than one major special conference should be scheduled each year.

42. Finally, the Committee recommends that the major organs of the United Nations system should review conference programmes with a view to reducing total meeting time and consider the possibility of biennial instead of annual meetings; that co-ordination among all organizations in this field should take place through a draft consolidated annual calendar to be drawn up in advance by the Secretary-General of the

United Nations, acting as Chairman of ACC; that conference costs should be shown clearly in the estimates; that the Governments themselves should assist in reducing their requests for documentation, by not requesting, whenever possible, official reports of the sessions and by limiting the number of the members of each delegation; that in no case a dependent body should be permitted to increase its meetings without specific approval of the organ which established it; and that priorities and availabilities of human, physical and financial resources should be taken into account whenever possible, joint meetings being called on matters of a similar or complementary nature.

43. These, then, are some of the highlights of the recommendations that the *Ad Hoc* Committee of Experts, which you appointed last year, has submitted for your consideration.

44. We did not attempt to write in detail any new financial regulations, but endeavoured to draw up some

guide-lines based on a conscientious examination of the facts. Their implementation could have constructive long-term effects on the smooth and efficient working of the vast system of organizations of the United Nations.

45. May I, before concluding, express my thanks to all those speakers, and they are many, who both in the general debate in the plenary and here have indicated their appreciation of the report of the *Ad Hoc* Committee. It is the support of Member States and their determination to ensure a better United Nations, their interest in making the tools of international co-operation effective, that will make it possible—in spite of the gap between available resources and needs—to carry on successfully the fight against poverty, ignorance and disease, and so achieve stable bases for a lasting and just peace.

DOCUMENT A/C.5/1077

Financial implications of the draft resolution contained in document A/C.5/L.873 and Add.1 and 2 Report of the Secretary-General

[Original text: English]
[31 October 1966]

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Secretary-General would inform the Fifth Committee that, in the event of the adoption of the draft resolution contained in document A/C.5/L.873 and Add.1 and 2, certain financial consequences would arise.

2. In particular, the Secretary-General would draw attention to the following recommendations contained in the second report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies (A/6343) which would involve new expenditures under the regular budget:

(a) The establishment of an inspection unit—consisting of a very limited number of inspectors (not exceeding 8) chosen from among members of national supervision or inspection bodies, or from among persons of similar competence, on the basis of their special experience in national or international administrative and financial matters—would involve additional expenditures which the *Ad Hoc* Committee recommends should be shared by the organizations of the United Nations family as agreed upon by them. The additional expenses in this regard would relate to salaries and common staff costs for the inspectors, travel by the inspectors in the performance of their duties and the provision of a small but adequate secretariat to service the inspection unit. There would also be a need to provide for expenses related to office equipment, supplies and for communications including cables and telephone services. On a full-year basis these expenditures might be tentatively estimated at some \$300,000. Based on the formula established by the Consultative Committee on Administrative Questions for the sharing of costs of other joint activities in the United Nations family, approximately one third of this amount, or \$100,000, would be borne by the United Nations. Actual expenditures for 1967, however, cannot be determined precisely at this time, since these will depend upon the date on which the inspectors can be appointed by the Secretary-General and the new unit comes into being.

(b) The recommendation that the Economic and Social Council, in order to carry out more effectively its responsibilities for co-ordination under the provisions of the United Nations Charter, reconstitute its Special Committee on Co-ordination to consist of 12 experts. In terms of the recommendation, these experts would be elected "out of nominations by States Members of the United Nations" and would serve "as governmental representatives". According to the basic principles laid down in General Assembly resolution 1798 (XVII) the United Nations would therefore not be liable for the reimbursement of travel and subsistence expenses incurred by the members of the Special Committee, unless the General Assembly decided otherwise by way of an exception to the general rule. Should it be so decided and assuming that the Special Committee would hold two sessions a year, one in New York and one at Geneva, the additional costs would be in an estimated amount of \$35,000.

(c) Additional expenses might also need to be incurred in connexion with the provision of some temporary assistance or consultancy services in regard to those special studies which the *Ad Hoc* Committee has recommended be undertaken by both the Advisory Committee on Administrative and Budgetary Questions and by the Secretary-General. The Secretary-General will make every effort to provide this assistance from within the resources available to him in the Secretariat, and possibly by soliciting help from some of the larger specialized agencies. There may, however, still be a need to incur some modest additional costs for these purposes.

3. For the reasons stated above, the Secretary-General is unable at the moment to give a precise estimate of the total additional costs which might arise in 1967, should the draft resolution be adopted. It would be his intention, therefore, to meet in so far as possible those expenses falling under paragraph 2, sub-paragraph (c), above from within the total resources available to him in the 1967 budget. To the extent that

this is not possible and for those expenses falling under paragraph 2, sub-paragraphs (a) and possibly (b) above, he would seek the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions to meet these commitments initially under

the terms of paragraph 1 of the resolution relating to unforeseen and extraordinary expenses for 1967 and to request approval by the General Assembly at its twenty-second session of supplementary credits, as necessary, to cover these expenditures.

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DOCUMENT A/6495

Report of the Fifth Committee

[Original text: English]
[2 November 1966]

1. The Fifth Committee, at its 1130th, 1133rd, 1134th and 1135th meetings, considered the report submitted to the General Assembly by the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies. In this connexion, the Committee had before it the following documentation: first report of the *Ad Hoc* Committee (A/6289 and Add.1 and 2); second report of the *Ad Hoc* Committee (A/6343); note by the Secretary-General (A/6465); report of the Advisory Committee on Administrative and Budgetary Questions (A/6475); statement by the Secretary-General introducing the budget estimates for 1967 (A/C.5/1065); statement by the Chairman of the *Ad Hoc* Committee (A/C.5/1073); draft resolution sponsored by 71 Member States (A/C.5/L.873 and Add.1 and 2); report by the Secretary-General on the financial implications of the draft resolution (A/C.5/1077).

2. All delegations expressed their gratitude to the *Ad Hoc* Committee, and its Chairman, Mr. Mario Majoli, for the extremely valuable report and the recommendations it had submitted. Most of the delegations taking part in the debate on this item directed their remarks principally to the second report submitted by the *Ad Hoc* Committee (A/6343); however, there were some who put forward their Governments' views on the *Ad Hoc* Committee's first report (A/6289 and Add.1 and 2) relating to the financial position of the United Nations. These delegations expressed the hope that, on the basis of this analysis of the Organization's financial situation, further voluntary contributions to assist the United Nations would be forthcoming.

3. All delegations welcomed the second report and the recommendations of the *Ad Hoc* Committee. There was general agreement that the speedy implementation of those recommendations by the United Nations, the specialized agencies and IAEA would help to improve the co-ordination of administrative, budgetary and conference servicing arrangements among the United Nations and the related agencies, and would also result in greater efficiency and more economical use of available resources. Much emphasis was given to the necessity for the United Nations and the specialized agencies to arrange for the early implementation of the *Ad Hoc* Committee's recommendations which were, after all, only the first stage in the process of bringing about such an improvement. Some delegations expressed reservations concerning the extent and feasibility of implementation of certain of the *Ad Hoc* Committee's recommendations and cautioned that the adoption of these in themselves could not be considered a remedy for all the financial and administrative problems existing in the United Nations system. Some delegations

pointed out that the *Ad Hoc* Committee had not been able to agree on a number of questions—such as the United Nations bond issue and the harmonization of rates of assessments of member States within the United Nations system of organizations—to which they attached particular importance and which required, in their view, further study by the General Assembly. Other delegations expressed their concern that no recommendations had been made on the exclusion from the regular budget of expenditures for measures adopted in violation of the United Nations Charter and on the transfer to UNDP of expenditures for the regular programme of technical assistance.

4. Some delegations expressed their concern that implementation of the *Ad Hoc* Committee's recommendation should not result in a decrease in the resources made available for assistance to the developing countries, and that it was on this understanding that they were supporting the draft resolution under consideration (A/C.5/L.873 and Add.1 and 2).

5. Varying views were expressed on the benefits to be derived from the United Nations adopting a biennial budgetary cycle, and most delegations welcomed the suggestion that the Secretary-General be requested to study this question thoroughly and report thereon to the General Assembly at its twenty-second session.

6. Most delegations endorsed the *Ad Hoc* Committee's recommendation on the establishment of an inspection unit, although some speakers were concerned that the activities of such a unit should be co-ordinated with the expanded functions of the United Nations Board of Auditors and the common panel of external auditors. One delegation expressed the view that the Secretary-General, in undertaking the study on the establishment of a common panel of external auditors for the United Nations family of organizations, should attempt to clarify the relationship to be established between such a panel and the existing Panel of External Auditors, whose duties are set forth in General Assembly resolution 1438 (XIV), as well as with the United Nations Board of Auditors. Another delegation suggested that, in the course of inter-organizational consultations, the possibility be considered of electing the members of the inspection unit by the General Assembly (with the participation of States members of the specialized agencies) and that the independence and functions of the unit be set out in a special statute.

7. France, on behalf of the sponsors, introduced the draft resolution submitted by the following 71 Member States: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, Congo (Democratic Republic of the), Cyprus, Czecho-

slovakia, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Hungary, India, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Mali, Malta, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay and Yugoslavia (A/C.5/L.873 and Add.1 and 2).

8. The Committee was provided with a statement of financial implications (A/C.5/1077) of the implementation of the *Ad Hoc* Committee's recommendations, and the Chairman of the Advisory Committee on Administrative and Budgetary Questions made a statement to the Fifth Committee at its 1135th meeting in this connexion. A question was raised concerning the estimated costs of meetings of the proposed reconstituted Special Committee or Co-ordination of the Economic and Social Council, redesignated by the Council at its forty-first session as the Committee on Programme and Co-ordination; at the same meeting the representative of the Secretary-General, in response, explained that unless the General Assembly decided that the members of that Committee were to be treated as experts serving in their individual capacity, the United Nations would not be called upon to bear any expense related to their travel and subsistence.

9. The Chairman of the Advisory Committee noted that the Secretary-General intended to meet the expenses tentatively estimated in the statement of financial implications under the terms of paragraph 1 of the

resolution relating to unforeseen and extraordinary expenses for 1967 and to request approval of the General Assembly at the twenty-second session for such supplementary credits as might prove to be necessary to cover these expenditures. It was his view that, as far as the financial implications of some of the recommendations of the *Ad Hoc* Committee were concerned and in the absence of any firm estimates which could be included in the 1967 budget, no other course of action was available to the Secretary-General. If, however, more precise estimates could be submitted to the Fifth Committee before it decided on the budget estimates for the financial year 1967 on second reading, such estimates could still be included.

10. The suggestion of the Advisory Committee that the Secretary-General be requested to submit an interim report to it on the implementation of the recommendations of the *Ad Hoc* Committee was generally welcomed. It was further suggested that the report also be transmitted to the Economic and Social Council at its summer session.

11. The Committee unanimously adopted the draft resolution of the 71 Powers (A/C.5/L.873 and Add.1 and 2).

Recommendation of the Fifth Committee

12. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

REPORT OF THE *Ad Hoc* COMMITTEE OF EXPERTS TO EXAMINE THE FINANCES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1458th plenary meeting, on 4 November 1966, the General Assembly adopted unanimously the draft resolution submitted by the Fifth Committee (A/6495, para. 12). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16, resolution 2150 (XXI)*.

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 80 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6635	Note by the Secretary-General on the establishment pursuant to resolution 2150 (XXI) of the General Assembly, of the inspection unit recommended by the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	Mimeographed
A/C.5/1065	Statement made by the Secretary-General at the 1124th meeting of the Fifth Committee	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 74</i>
A/C.5/L.873 and Add.1 and 2	Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, Congo (Democratic Republic of the), Cyprus, Czechoslovakia, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Hungary, India, Iraq, Iran, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Mali, Malta, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Peru, Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet	Adopted without change. See A/6495, para. 12

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/C.5/L.874 and Add.1	Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay and Yugoslavia: draft resolution Draft report of the Fifth Committee	Same text as A/6495



Agenda item 81: * Personnel questions: **

- (a) **Composition of the Secretariat: report of the Secretary-General;**
(b) **Other personnel questions**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1151st to 1156th, 1158th, 1159th and 1170th meetings; and *ibid.*, *Plenary Meetings*, 1501st meeting.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 60), sixteenth session (agenda item 64), seventeenth session (agenda item 70), eighteenth session (agenda item 66), twentieth session (agenda item 84).

Abbreviations

ACC	Administrative Committee on Co-ordination
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECLA	Economic Commission for Latin America
ICSAB	International Civil Service Advisory Board
ILO	International Labour Organisation
ITU	International Telecommunication Union
TAB	Technical Assistance Board
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

(a) Composition of the Secretariat

DOCUMENT A/6487***

Report of the Secretary-General

[Original text: English]
[26 October 1966]

1. In pursuance of General Assembly resolution 1928 (XVIII) of 11 December 1963, the Secretary-General submitted to the Assembly reports on the composition of the Secretariat both at its nineteenth and twentieth

sessions.¹ In the course of its session last year, the Fifth Committee considered these reports and at its 1093rd meeting decided to take note of them. The pres-

¹ *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 84, documents A/5841 and A/6077.

*** Incorporating document A/6487/Corr.1.

ent report is submitted in line with the practice, which has been followed over the years, of keeping the Assembly informed of the progress made in recruiting the staff of the Secretariat on as wide a geographical basis as possible.

2. As in previous years since 1962, when the present principles of staff recruitment were endorsed (General Assembly resolution 1852 (XVII) of 19 December 1962), the present report shows the composition of the Secretariat as at the end of the year under review and the developments immediately related to it. The statistical tables included in the report or annexed to it thus represent the position on 31 August 1966, and show what changes have occurred during the year. In addition, an indication is given of the effect which the operation of the recruitment policy now in force has had on the composition of the Secretariat since the modification of the system applied up to 1962.

3. The Secretary-General has not failed from time to time to stress that the formula developed for gauging progress in the geographical distribution of the staff is not a substitute for good administration and the exercise of discretion under the authority conferred upon him by the Charter of the United Nations. It may be timely, nevertheless, to recall the purposes behind the

figures set out in this report. The policies and administrative methods of the Secretariat should reflect, and profit to the highest degree from, assets of the various cultures and the technical competence of all Member nations. The Secretary-General referred to this when he recently stated: "I have striven to make the Secretariat more truly international in outlook and approach and a more energetic and efficient servant of the Governments of Member States. I believe that, within its limitations, the Secretariat has performed well and that, with further organizational improvements, it is capable of doing even better" (see A/6400). It is in this context that the statistics which follow have any importance.

COMPOSITION OF THE SECRETARIAT BY NATIONALITY

4. On 31 August 1966, the Secretariat of the United Nations comprised staff members who were nationals of 112 States, representing an increase of five nationalities over the figure on the corresponding date in 1965. This total includes 108 nationalities of Member States and four of non-member States which have been admitted to membership in certain subsidiary organs of the United Nations. Table A shows the situation in detail.

TABLE A. NUMBER OF NATIONALITIES IN THE SECRETARIAT AS AT 31 AUGUST 1965 AND 31 AUGUST 1966

Region	Number of nationalities						
	Number of Member States		Included in the Secretariat		Not included in the Secretariat		
	1965	1966	1965	1966	1965	1966	
Africa	36	37	28	31	8	6	
Asia and the Far East	15	18 ^a	14	16	1	2	
Europe, Eastern	10	10	9	9	1	1	
Europe, Western	17	17	16	17	1	—	
Latin America	20	20	20	20	—	—	
Middle East	12	12	11	11	1	1	
North America and the Caribbean	4	4	4	4	—	—	
	SUB-TOTAL	114	118	102	108	12	10
Non-member States			5	4			
	TOTAL	114	118	107	112	12	10

^a Including Indonesia, which resumed full participation in the work of the Organization on 28 September 1966.

5. In three of the seven geographical regions established for the purpose of recruitment policy, every Member State has some nationals represented on the staff, while in three more only one or two nationalities are still missing. One region (Africa) has yet to reach this degree of participation in the work of the Secretariat. Five of the six States in Africa with no nationals on the staff at the end of the year under review have been admitted to membership in the Organization since 1960. Of the States admitted to membership earlier, only two, one in Africa (Libya) and one in Eastern Europe (Albania), are not now represented on the staff of the Secretariat.

DISTRIBUTION OF THE STAFF BY REGION

6. In the course of the year, the total number of staff occupying posts which are subject to the system of

geographical distribution has risen from 1,491 to 1,647, representing an increase of 156. Of this total, 35 are from the region of Africa, 27 from Asia and the Far East, 34 from Eastern Europe, 24 from Western Europe, 19 from Latin America, 5 from the Middle East and 22 from North America and the Caribbean. In relation to last year's regional totals, the largest increases are in Africa (28 per cent) and Eastern Europe (20 per cent). These movements have brought 6 of the 7 regions into reasonable proximity with their desirable ranges; even in Eastern Europe, which is still below its range, there has been a marked advance in several countries. The number of staff from non-member States has fallen by 10.

TABLE B. DESIRABLE RANGES AND NUMBER OF STAFF AS AT 31 AUGUST 1965 AND 31 AUGUST 1966

Region	Desirable range		Number of staff		
	1965	1966	1965	1966	
Africa	90-199	91-203	124	159	
Asia and the Far East	235-233	244-252	236	263	
Europe, Eastern	292-233	291-229	167	201	
Europe, Western	316-276	313-269	343	367	
Latin America	98-149	95-147	159	178	
Middle East	36-74	35-73	67	72	
North America and the Caribbean	458-311	454-304	352	374	
	SUB-TOTAL	1,525-1,475	1,523-1,477	1,448	1,614
Non member-States			43	33	
	TOTAL	1,525-1,475	1,523-1,477	1,491	1,647

7. It will be recalled that the present system of desirable ranges of posts allocated for each country and geographical region has been in operation for almost four years. Until 1962, the range of posts computed for each country ran from 75 to 125 per cent of the figure given by the share of contributions to the budget, except for the two largest contributors, whose entitlement ranged from 75 to 100 per cent of the figure corresponding to the contributions scale. The new ranges, which since 1963 have been computed on the basis of a total of 1,500 posts subject to geographical distribution, included 1 to 5 posts for each country by reason of its membership in the Organization; established a reserve of 100 posts to be used for the recruitment of staff from regions with large populations whose entitlement by reason of the contributions scale was reduced for low *per capita* income, and apportioned the remain-

ing posts on the basis of the contributions scale. As the growth of the Secretariat has now outrun this base of 1,500 posts, the Secretary-General has it in mind to make this fact an occasion for review in his next report.

8. Table C illustrates the extent to which the modifications in the system of desirable ranges, introduced in 1963, have influenced the "representation" of the various geographical regions on the staff of the Secretariat. While changes in the membership of the Organization and in the scale of contributions to the budget have naturally had some effect, the major influence in the shift of the desirable ranges has been the introduction of the new factors into the formula. In consequence, nearly 80 per cent of the Member States have increased their entitlement to "representation" on the staff of the Secretariat.

TABLE C. DESIRABLE RANGES AND ACTUAL STAFF POSITION UNDER PREVIOUS AND CURRENT FORMULAE (IN PERCENTAGES)

Region	Desirable range (median) (31 August)			Staff position (31 August)		
	1962	1963	1966	1962	1963	1966
Africa	4.5	9.1	9.8	6.4	7.6	9.6
Asia and the Far East	13.5	16.3	16.5	17.0	17.4	16.0
Europe, Eastern	19.8	17.5	17.3	11.4	11.8	12.2
Europe, Western	23.1	19.6	19.4	27.0	25.1	22.3
Latin America	5.8	8.1	8.1	9.2	10.1	10.8
Middle East	1.9	3.6	3.6	4.0	4.3	4.4
North America and the Caribbean	31.4	25.8	25.3	22.3	21.5	22.7
Non-member States				2.7	2.2	2.0
	100.0	100.0	100.0	100.0	100.0	100.0

STAFF TURNOVER

9. The figures in table B show net increases of staff in every region over the totals for the preceding year. The major factors which enter into these changes are appointments granted to new staff members, separations, promotion from the general service to the professional category and transfer between the geographical and language areas of the Secretariat.

10. As will be seen from table D, the total number of appointments made in the past year to posts subject to geographical distribution, which was 234, exceeded that of the previous year by about fifty per cent. Of this total, the highest number (51) went to nationals of countries in Eastern Europe, followed by Western Europe (46), Africa (42), North America and the Caribbean (37), Asia and the Far East (27), Latin America (19) and the Middle East (9).

TABLE D. APPOINTMENTS IN THE YEARS ENDING 31 AUGUST 1965 AND 31 AUGUST 1966

Region	1964-1965		Total	1965-1966		Total
	Probationary appointments	Fixed-term appointments		Probationary appointments	Fixed-term appointments	
Africa	8	21	29	12	30	42
Asia and the Far East ..	4	15	19	7	20	27
Europe, Eastern	—	37	37	—	51	51
Europe, Western	6	12	18	24	22	46
Latin America	6	11	17	7	12	19
Middle East	3	3	6	5	4	9
North America and the Caribbean	9	16	25	22	15	37
SUB-TOTAL	36	115	151	77	154	231
Non-member States	1	—	1	—	3	3
TOTAL	37	115	152	77	157	234

11. One significant feature which emerges from these figures is that the Secretary-General's continuing effort to redress imbalances in the composition of the Secretariat has resulted in 40 per cent of all appointments in a year of unusually heavy recruitment being from the two regions which last year's report cited as inadequately represented.

12. During the same period there were 110 staff separations, including 46 resignations. By region, 9 of the separations (including 5 resignations) were of staff from countries in Africa, 16 (including 7 resignations) from Asia and the Far East, 20 (including 4 resignations) from Eastern Europe, 25 (including 8 resignations) from Western Europe, 7 (including 4 resignations) from Latin America, 4 (including 3 resignations) from the Middle East and 26 (including 14 resignations) from North America and the Caribbean. The remaining 3 separations (including 1 resignation) occurred among nationals of non-member States and stateless persons.

13. Of the other factors which affect the net changes in the regional totals, promotion of General Service

staff to posts in the professional category accounted for 38 additions: 1 each for Africa, Eastern Europe and the Middle East, 2 for Asia and the Far East, 3 for non-member States, 5 for Latin America, 7 for Western Europe and 18 for North America and the Caribbean. There were 15 transfers of staff from language posts to posts in the geographical area: 1 from North America and the Caribbean, 2 from Asia and the Far East, 3 each from Eastern Europe and Latin America and 6 from Western Europe.

PROPORTION OF FIXED-TERM STAFF

14. The Secretary-General has no reason to believe that he should change the provisional target of 25 per cent which he had suggested as a desirable proportion of staff on fixed-term appointments for the immediate future. At the end of the year under review, the actual percentage was 29.7 (against 28.1 a year earlier), or 489 out of 1,647 staff members, as shown in table E.

TABLE E. COMPOSITION OF THE STAFF BY TYPE OF APPOINTMENT AS AT 31 AUGUST 1965 AND 31 AUGUST 1966

Region	1965				1966			
	Career appointments	Fixed-term appointments	Total	Fixed-term appointments as per cent of total	Career appointments	Fixed-term appointments	Total	Fixed-term appointments as per cent of total
Africa	63	61	124	49.2	82	77	159	48.4
Asia and the Far East ..	179	57	236	24.1	195	68	263	25.9
Europe, Eastern	25	142	167	85.0	22	179	201	89.1
Europe, Western	285	58	343	16.9	304	63	367	17.2
Latin America	123	36	159	22.6	141	37	178	20.8
Middle East	53	14	67	20.9	58	14	72	19.4
North America and the Caribbean	308	44	352	12.5	331	43	374	11.5
SUB-TOTAL	1,036	412	1,448	28.4	1,133	481	1,614	29.2
Non-member States	36	7	43	16.3	25	8	33	24.2
TOTAL	1,072	419	1,491	28.1	1,158	489	1,647	29.7

15. Three major conditions of recruitment have contributed to this higher level. In the first place, the bulk of the fixed-term appointments have gone to nationals of the two regions which, from preference or need—perhaps temporary—do not readily spare candidates for career service. Secondly, a number of appointments which would otherwise be offered for career service were granted on a fixed-term basis to nationals of "over-represented" countries in three regions whose participation in the Secretariat was adequate. Thirdly, in the case of programmes which were still in their formative stages, fixed-term appointments were clearly expedient.

16. On the other hand, two significant developments are beginning to offset the wastage inherent in short-term service. First, there has been a progressive lengthening of the initial term of appointment and a greater acceptance of extensions for additional terms. With the co-operation of Governments of Member States, it is now possible to appoint for service in the Secretariat officials seconded from national administrations for periods of up to five years in the first instance, subject to extension. Secondly, there has been a decrease both in the number and proportion of resignations among staff holding fixed-term appointments.

In the year under review there were only 17 such resignations, representing 3.6 per cent of the total staff holding fixed-term appointments, as compared with 24 resignations, or 5.7 per cent, in the previous year. The corresponding figures for career staff were 29 resignations, or 2.5 per cent, as against 36, or 3.4 per cent, the year before.

SENIOR OFFICIALS

17. As part of the continuing effort to maintain a balanced regional composition of the staff at the senior levels, 11 appointments, including 4 directors (D-2) and 7 principal officers (D-1), were made during the year. Of the directors, one was recruited from Africa (Ethiopia), two from Eastern Europe (USSR and Yugoslavia), and one from North America and the Caribbean (Jamaica). The seven principal officers came from Asia and the Far East (one each from Australia, India, New Zealand and Pakistan), Eastern Europe (USSR), Western Europe (United Kingdom), and North America and the Caribbean (Trinidad and Tobago). The effect of these appointments, together with the other staff changes, notably promotions and separations, is shown in table F.

TABLE F. STAFF IN SENIOR POSTS AS AT 31 AUGUST 1965 AND 31 AUGUST 1966

Region	1965				1966				Increase or (decrease)
	U-S	D-2	D-1	Total	U-S	D-2	D-1	Total	
Africa	3	2	5	10	2	3	5	10	—
Asia and the Far East	4	8	11	23	4	8	15	27	4
Europe, Eastern	3	11	16	30	3	13	15	31	1
Europe, Western	4	9	33	46	4	14	29	47	1
Latin America	3	1	3	7	3	3	6	12	5
Middle East	—	—	3	3	—	—	5	5	2
North America and the Caribbean	2	11	26	39	2	11	22	35	(4)
SUB-TOTAL	19	42	97	158	18	52	97	167	9
Non-member States	—	—	2	2	—	—	1	1	(1)
TOTAL	19	42	99	160	18	52	98	168	8

STAFF OF SUBSIDIARY ORGANS

18. In paragraph 2 of resolution 1852 (XVII) of 19 December 1962, the General Assembly requested the Secretary-General to review periodically the geographical distribution of the staffs of the Technical Assistance Board (TAB), the Special Fund and the United Nations Children's Fund (UNICEF) and to report annually on this matter. Table G shows the changes that have occurred in the course of the year.

TABLE G. CONTRIBUTIONS TO AND STAFF COMPOSITION OF UNDP AND UNICEF AS AT 31 AUGUST 1965 AND 31 AUGUST 1966

Region	UNDP						UNICEF					
	1965			1966			1965			1966		
	Contribution per cent	Staff No.	Staff Per cent	Contribution per cent	Staff No.	Staff Per cent	Contribution per cent	Staff No.	Staff Per cent	Contribution per cent	Staff No.	Staff Per cent
Africa	3.6	13	4.2	3.1	11	3.2	2.0	10	5.8	2.3	11	6.5
Asia and the Far East	7.1	48	15.4	6.6	49	14.3	9.5	17	9.8	9.6	17	9.8
Europe, Eastern	3.1	15	4.8	2.9	21	6.1	4.9	8	4.6	4.9	8	4.6
Europe, Western	30.8	105	33.6	31.7	116	33.8	16.9	57	33.0	18.8	52	30.0
Latin America	2.9	29	9.3	2.5	34	9.9	6.3	12	6.9	4.6	13	7.5
Middle East	2.4	18	5.8	2.1	20	5.9	2.5	5	2.9	2.5	6	3.5
North America and the Caribbean	43.1	65	20.8	44.5	69	20.1	49.6	47	27.2	49.6	49	28.3
Non-member States	7.0	19	6.1	6.6	23	6.7	8.3	17	9.8	7.7	17	9.8
TOTAL	100.0	312	100.0	100.0	343	100.0	100.0	173	100.0	100.0	173	100.0

19. As compared with 1965, there has been a further broadening of the geographical basis of the staff serving with the United Nations Development Programme (UNDP), the successor organization of TAB and the Special Fund. On 31 August 1966, the staff of UNDP comprised 64 nationalities: 8 from Africa, 11 from Asia and the Far East, 4 from Eastern Europe, 13 from Western Europe, 13 from Latin America, 8 from the Middle East, 4 from North America and the Caribbean, and 3 from non-member States which participate in the activities of the Programme. In the previous year, the number of nationalities was 60. There has been only a minor change in the nationality composition of the staff of UNICEF, which at the end of the year under review stood at 47, or one more than the previous year. The regional breakdown of this total was as follows: Africa—9, Asia and the Far East—8, Eastern Europe—4, Western Europe—10, Latin America—10, Middle East—2, North America and the Caribbean—2, and non-member States participating in the activities of the Fund—2.

20. The relatively limited changes that have taken place in the distribution of the staffs of the two programmes have had little effect on the relation between the percentage of staff from each region and the percentage of contribution of each region. While UNDP continues to have a relatively high proportion of staff from Asia and the Far East, Latin America and the Middle East, in the case of UNICEF it is the staff from Africa and Western Europe that represents a relatively high proportion. In both programmes, the percentage of staff, as compared with contributions, remain relatively low for North America and the Caribbean.

21. In connexion with the operation of the United Nations development programmes, regional and inter-regional advisers have continued to be provided outside the establishment for the purpose of assisting Governments, at their request, by undertaking short-term technical assistance assignments and by advising on planning for technical assistance or Special Fund activi-

ties. It may be recalled that these additional services to developing countries have been provided in implementation of the various General Assembly resolutions on decentralization of economic and social activities to the regional commissions. A number of special technical advisers have also been employed at Headquarters to provide technical advice in regard to Special Fund projects entrusted to the United Nations in its capacity as executing agency.

22. As at 31 August 1966, there were 91 regional and interregional advisers of 31 nationalities, including 69 regional advisers assigned to the economic commissions (ECA—30, ECLA—20, ECAFE—14) and to the Economic and Social Office in Beirut (5), and 22 inter-regional advisers assigned to Headquarters. In terms of regional composition, 6 of the advisers were from Africa, 18 from Asia and the Far East, 5 from Eastern Europe, 29 from Western Europe, 15 from Latin America, 2 from the Middle East, 13 from North America and the Caribbean and 3 from non-member States. Of the 20 special technical advisers, 2 are from Asia and the Far East, 1 from Eastern Europe, 10 from Western Europe, 1 from Latin America and 6 from North America and the Caribbean.

ANNEX

TABLE 1. COMPOSITION OF PROFESSIONAL AND HIGHER LEVEL STAFF OF THE SECRETARIAT AS OF 31 AUGUST 1966

Staff in posts subject to geographical distribution . . .	1,647
Staff in posts with special language requirements . . .	531
Staff specifically appointed for mission service . . .	21
Staff having permanent residence status in the United States	7
Staff on leave without pay	17
Staff on secondment to the United Nations Development Programme and other United Nations bodies	86
TOTAL	2,309

TABLE 2. STAFF IN PROFESSIONAL AND HIGHER LEVEL POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION AS OF 31 AUGUST 1966*

(By nationality and level)

Nationality	Number of staff 31/8/65	U-5	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66	Desirable range
I. AFRICA											
Algeria	3	—	—	1	—	—	—	2	1	4	2-6
Burundi	—	—	—	—	—	—	—	—	1	1	2-5
Cameroon	2	—	1	—	—	1	1	—	—	3	2-5
Central African Republic	—	—	—	—	—	—	—	1	—	1	2-5
Chad	—	—	—	—	—	—	—	—	—	—	2-5
Congo (Brazzaville)	—	—	—	—	—	—	—	—	2	2	2-5
Congo (Democratic Republic of)	3	—	—	—	—	—	—	5	—	5	2-5
Dahomey	2	—	—	—	—	—	1	2	—	3	2-5
Ethiopia	11	—	1	—	—	1	8	6	1	17	2-5
Gabon	1	—	—	—	—	—	—	1	—	1	2-5
Gambia	—	—	—	—	—	—	—	—	—	—	2-5
Ghana	12	1	1	—	4	1	5	4	1	17	2-6
Guinea	1	—	—	—	—	—	—	1	—	1	2-5
Ivory Coast	—	—	—	—	—	—	—	—	—	—	2-5
Kenya	6	—	—	—	—	1	1	3	—	5	2-5
Liberia	1	—	—	—	—	—	1	—	—	1	2-5
Libya	1	—	—	—	—	—	—	—	—	—	2-5
Madagascar	1	—	—	—	—	—	—	—	2	2	2-5
Malawi	—	—	—	—	—	—	—	1	—	1	2-5

TABLE 2 (continued)

Nationality	Number of staff 31/8/65	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66	Desirable range
I. AFRICA (continued)											
Mali	2	—	—	—	2	—	—	—	—	2	2-5
Mauritania	1	—	—	—	—	—	—	—	1	1	2-5
Morocco	4	—	—	—	—	—	2	2	1	5	2-6
Niger	—	—	—	—	—	—	—	—	—	—	2-5
Nigeria	8	—	—	—	1	1	1	5	—	8	3-6
Rwanda	1	—	—	—	—	—	—	—	1	1	2-5
Senegal	3	—	—	—	—	1	—	4	—	5	2-5
Sierra Leone	4	—	—	—	2	—	1	2	2	7	2-5
Somalia	1	—	—	—	—	—	1	—	—	1	2-5
South Africa	13	—	—	2	4	4	3	—	1	14	8-9
Sudan	6	—	—	—	—	2	1	3	—	6	2-5
Togo	5	—	—	—	—	—	2	2	—	4	2-5
Tunisia	4	—	—	—	—	1	1	3	—	5	2-5
Uganda	1	—	—	—	1	—	1	1	1	4	2-5
United Arab Republic	24	1	—	2	5	8	9	1	1	27	4-7
United Republic of Tanzania	2	—	—	—	—	—	1	1	2	4	2-5
Upper Volta	1	—	—	—	—	1	—	—	—	1	2-5
Zambia	—	—	—	—	—	—	—	—	—	—	2-5
											8-8
											Population reserve
SUB-TOTAL	124	2	3	5	19	22	40	50	18	159	91-203
II. ASIA AND THE FAR EAST											
Australia	16	—	1	1	4	5	3	6	1	21	21-18
Burma	11	1	—	—	2	5	2	—	1	11	2-5
Cambodia	3	—	—	—	—	—	—	3	—	3	2-5
Ceylon	12	—	—	—	1	4	5	1	1	12	2-6
China	49	1	2	4	13	12	8	6	3	49	55-39
India	63	1	5	5	15	25	8	6	—	65	25-30
Indonesia	13	—	—	1	—	4	3	3	1	12	6-8
Japan	27	—	—	1	1	4	16	7	1	30	36-27
Laos	2	—	—	—	—	—	—	1	1	2	2-5
Malaysia	3	—	—	—	—	—	—	—	1	1	2-6
Maldiv Islands	—	—	—	—	—	—	—	—	—	—	2-5
Mongolia	—	—	—	—	—	—	—	—	—	—	2-5
Nepal	4	—	—	—	—	1	1	3	—	5	2-5
New Zealand	7	1	—	2	2	4	1	1	—	11	6-8
Pakistan	14	—	—	1	1	6	4	—	1	13	6-8
Philippines	16	—	—	—	3	5	5	3	1	17	5-8
Singapore	—	—	—	—	—	—	—	—	1	1	2-5
Thailand	9	—	—	—	—	3	5	—	2	10	3-6
											63-63
											Population reserve
SUB-TOTAL	249	4	8	15	42	78	61	40	15	263	244-252
III. EUROPE (Eastern)											
Albania	—	—	—	—	—	—	—	—	—	—	2-5
Bulgaria	6	—	—	—	—	2	3	—	—	5	3-6
Byelorussian Soviet Socialist Republic	3	—	—	—	—	4	—	—	—	4	8-9
Czechoslovakia	26	1	1	2	4	13	10	—	—	31	15-14
Hungary	7	—	—	1	1	1	3	1	—	7	8-9
Poland	23	—	1	1	7	10	7	—	—	26	20-17
Romania	5	—	—	—	—	1	5	—	—	6	5-8
Ukrainian Soviet Socialist Republic	10	—	—	2	2	3	3	1	1	12	26-21
Union of Soviet Socialist Republics	77	1	9	8	12	33	26	7	—	96	192-126
Yugoslavia	10	1	2	1	5	3	1	—	1	14	6-8
											6-6
											Population reserve
SUB-TOTAL	167	3	13	15	31	70	58	9	2	201	291-229
IV. EUROPE (Western)											
Austria	12	—	—	1	1	4	4	3	3	16	8-9
Belgium	19	—	1	1	5	7	1	2	1	18	16-14
Denmark	9	—	—	—	3	2	4	—	—	9	9-10
Finland	10	—	—	1	—	2	2	3	1	9	6-8
France	78	1	4	8	17	28	14	7	2	81	79-54

TABLE 2 (continued)

Nationality	Number of staff 31/8/65	U-5	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66	Desirable range
IV. EUROPE (Western)											
<i>(continued)</i>											
Greece	6	1	—	—	2	5	—	—	—	8	4-7
Iceland	1	—	—	—	—	1	—	—	1	2	2-5
Ireland	4	—	—	—	—	2	1	2	—	5	3-6
Italy	26	1	—	1	1	7	7	6	2	25	33-25
Luxembourg	2	—	—	—	—	1	1	1	—	3	2-5
Malta	—	—	—	—	—	—	—	—	1	1	2-5
Netherlands	21	—	1	1	8	5	5	1	—	21	15-14
Norway	15	—	1	1	—	8	1	4	—	15	7-8
Portugal	2	—	—	—	—	—	—	3	—	3	3-6
Spain	14	—	—	1	—	6	5	5	—	17	10-11
Sweden	14	—	—	1	4	3	6	—	—	14	17-15
United Kingdom of Great Britain and Northern Ireland	110	1	7	13	27	27	27	9	9	120 ^a	93-63
								Population reserve			4-4
SUB-TOTAL	343	4	14	29	68	108	78	46	20	367	313-269
V. LATIN AMERICA											
Argentina	24	1	2	2	4	9	3	4	—	25	13-12
Bolivia	7	—	1	1	—	4	1	1	2	10	2-5
Brazil	17	—	—	—	3	5	7	4	—	19	13-13
Chile	18	—	—	—	4	2	5	6	2	19	4-7
Colombia	13	—	—	—	1	6	4	2	1	14	4-7
Costa Rica	4	—	—	—	2	2	1	—	—	5	2-5
Cuba	4	—	—	—	—	2	2	1	—	5	3-7
Dominican Republic	3	—	—	1	—	—	2	1	—	4	2-5
Ecuador	9	—	—	—	2	1	5	1	1	10	2-5
El Salvador	3	—	—	—	—	—	1	2	—	3	2-5
Guatemala	2	1	—	—	—	—	1	1	—	3	2-5
Haiti	10	—	—	—	—	3	1	6	1	11	2-5
Honduras	1	—	—	—	—	—	1	1	—	2	2-5
Mexico	15	—	—	1	1	2	4	3	3	14	11-11
Nicaragua	3	—	—	—	—	—	1	—	2	3	2-5
Panama	4	—	—	—	1	—	1	1	—	3	2-5
Paraguay	4	—	—	—	1	1	2	1	—	5	2-5
Peru	6	—	—	—	2	1	5	—	—	8	2-6
Uruguay	7	—	—	1	1	1	3	4	—	10	2-6
Venezuela	5	1	—	—	—	1	—	2	1	5	7-9
								Population reserve			14-14
SUB-TOTAL	139	3	3	6	22	40	50	41	13	178	95-147
VI. MIDDLE EAST											
Afghanistan	3	—	—	—	—	2	—	1	1	4	2-5
Cyprus	6	—	—	—	1	—	—	3	1	5	2-5
Iran	9	—	—	—	3	2	1	—	2	8	4-7
Iraq	6	—	—	2	—	—	5	—	—	7	2-6
Israel	6	—	—	2	2	2	1	—	—	7	3-6
Jordan	7	—	—	—	2	3	3	—	—	8	2-5
Kuwait	—	—	—	—	—	—	—	—	—	—	2-5
Lebanon	8	—	—	—	2	2	4	—	—	8	2-5
Saudi Arabia	1	—	—	—	—	1	1	—	—	2	2-6
Syrian Arab Republic	8	—	—	1	—	7	1	—	—	9	2-5
Turkey	11	—	—	—	3	1	6	2	—	12	5-8
Yemen	2	—	—	—	—	—	1	1	—	2	2-5
								Population reserve			5-5
SUB-TOTAL	67	—	—	5	13	20	23	7	4	72	35-73
VII. NORTH AMERICA AND THE CARIBBEAN											
Canada	39	—	—	1	7	13	9	5	1	36	41-31
Jamaica	9	—	1	—	2	1	4	2	1	11	2-5
Trinidad and Tobago	5	—	—	1	—	1	3	1	—	6	2-5
United States of America	209	2	10	20	49	73	71	79	17	321	409-263
								Population reserve			0-0
SUB-TOTAL	312	2	11	22	58	88	87	87	19	374	454-304

TABLE 2 (continued)

Nationality	Number of staff 31/8/65	U-5	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66	Desirable range
VIII. NON-MEMBER STATES											
Federal Republic of Germany	1	—	—	—	1	2	1	—	—	4	
Republic of Korea	2	—	—	—	—	—	2	—	—	2	
Republic of Viet-Nam	2	—	—	—	—	1	—	1	—	2	
Switzerland	19	—	—	1	2	5	2	7	2	19	
Stateless	6	—	—	—	1	1	2	1	1	6	
SUB-TOTAL	30	—	—	1	4	9	7	9	3	33	
TOTAL	1,491	18	52	98	257	435	404	289	94	1,647	

* Foot-notes a to e, running consecutively through tables 2, 3 and 4, will be found at the end of table 7.

TABLE 3. APPOINTMENTS TO POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION

(By nationality and level)

(1 September 1965-31 August 1966)

	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total
I. AFRICA								
Algeria	—	—	—	—	—	1	—	1
Burundi	—	—	—	—	—	—	1	1
Cameroon	—	—	—	—	1	—	—	1
Central African Republic	—	—	—	—	—	1	—	1
Congo (Brazzaville)	—	—	—	—	—	—	2	2
Congo, Democratic Republic of	—	—	—	—	—	2	—	2
Dahomey	—	—	—	—	—	1	—	1
Ethiopia	1	—	—	1	2	1	—	5
Ghana	—	—	—	1	1	3	—	5
Madagascar	—	—	—	—	—	—	1	1
Malawi	—	—	—	—	—	1	—	1
Morocco	—	—	—	—	—	1	—	1
Nigeria	—	—	1	—	—	3	—	4
Senegal	—	—	—	1	—	1	—	2
Sierra Leone	—	—	—	—	—	2	—	2
South Africa	—	—	—	—	—	—	1	1
Sudan	—	—	—	1	—	—	—	1
Tunisia	—	—	—	—	—	1	—	1
Uganda	—	—	1	—	1	1	—	3
United Arab Republic	—	—	1	—	2	—	1	4
United Republic of Tanzania	—	—	—	—	1	—	1	2
SUB-TOTAL	1	—	3	4	8	19	7	42
II. ASIA AND THE FAR EAST								
Australia	—	1	1	2	1	3	—	8
Ceylon	—	—	—	—	1	1	—	2
India	—	1	1	1	—	—	—	3
Japan	—	—	—	1	4	—	1	6
Nepal	—	—	—	—	—	1	—	1
New Zealand	—	1	—	1	1	—	—	3
Pakistan	—	1	—	1	—	—	—	2
Philippines	—	—	1	—	—	—	—	1
Singapore	—	—	—	—	—	—	1	1
SUB-TOTAL	—	4	3	6	7	5	2	27
III. EUROPE (Eastern)								
Bulgaria	—	—	—	1	—	—	—	1
Czechoslovakia	—	—	—	4	3	—	—	7
Hungary	—	—	1	—	1	—	—	2
Poland	—	—	1	2	3	—	—	6
Romania	—	—	—	—	1	—	—	1
Ukrainian Soviet Socialist Republic	—	—	1	1	1	1	—	4

TABLE 3 (continued)

	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total
III. EUROPE (Eastern)								
<i>(continued)</i>								
Union of Soviet Socialist Republics	1	1	2	12	5	4	—	25
Yugoslavia	1	—	2	2	—	—	—	5
SUB-TOTAL	2	1	7	22	14	5	—	51
IV. EUROPE (Western)								
Austria	—	—	—	1	—	1	2	4
Denmark	—	—	—	—	—	1	—	1
Finland	—	—	—	—	1	1	1	3
France	—	—	1	2	1	2	—	6
Greece	—	—	1	1	—	—	—	2
Iceland	—	—	—	—	—	—	1	1
Ireland	—	—	—	1	—	—	—	1
Italy	—	—	1	—	—	2	—	3
Luxembourg	—	—	—	—	—	1	—	1
Malta	—	—	—	—	—	—	1	1
Netherlands	—	—	—	—	2	—	—	2
Portugal	—	—	—	—	—	1	—	1
Spain	—	—	—	—	1	2	—	3
Sweden	—	—	2	—	1	—	—	3
United Kingdom of Great Britain and Northern Ireland	—	1	1	4	6	1	1	14 ^b
SUB-TOTAL	—	1	6	9	12	12	6	46
V. LATIN AMERICA								
Argentina	—	—	—	1	—	—	—	1
Bolivia	—	—	—	1	—	—	—	1
Brazil	—	—	1	1	1	2	—	5
Chile	—	—	1	—	—	—	—	1
Colombia	—	—	—	1	—	—	—	1
Costa Rica	—	—	1	—	—	—	—	1
Cuba	—	—	—	—	—	1	—	1
El Salvador	—	—	—	—	1	—	—	1
Guatemala	—	—	—	—	—	1	—	1
Honduras	—	—	—	—	1	—	—	1
Peru	—	—	—	—	2	—	—	2
Uruguay	—	—	—	1	1	1	—	3
SUB-TOTAL	—	—	3	5	6	5	—	19
VI. MIDDLE EAST								
Afghanistan	—	—	—	1	—	—	—	1
Iraq	—	—	—	—	2	—	—	2
Israel	—	—	1	—	—	—	—	1
Lebanon	—	—	—	—	1	—	—	1
Saudi Arabia	—	—	—	—	1	—	—	1
Syrian Arab Republic ..	—	—	—	2	—	—	—	2
Turkey	—	—	—	—	1	—	—	1
SUB-TOTAL	—	—	1	3	5	—	—	9
VII. NORTH AMERICA AND THE CARIBBEAN								
Canada	—	—	—	2	1	—	1	4
Jamaica	1	—	2	—	—	—	—	3
Trinidad and Tobago ...	—	1	—	—	—	—	—	1
United States of America	—	—	4	6	8	5	6	29
SUB-TOTAL	1	1	6	8	9	5	7	37
VIII. NON-MEMBER STATES								
Federal Republic of Germany	—	—	1	1	1	—	—	3
SUB-TOTAL	—	—	1	1	1	—	—	3
TOTAL	4	7	30	58	62	51	22	234

TABLE 4. STAFF CHANGES IN POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION

(By nationality and type)

	Number of staff 31/8/65	Appointments		Separa- tions ^c	Adjust- ments ^d	Number of staff 31/8/66	Special cate- gory ^e
		Career	Non- Career				
I. AFRICA							
Algeria	3	1	—	—	—	4	—
Burundi	—	—	1	—	—	1	—
Cameroon	2	—	1	—	—	3	—
Central African Republic	—	—	1	—	—	1	—
Chad	—	—	—	—	—	—	—
Congo (Brazzaville)	—	—	2	—	—	2	—
Congo (Democratic Re- public of)	3	1	1	—	—	5	—
Dahomey	2	—	1	—	—	3	—
Ethiopia	11	—	5	-1	+2	17	—
Gabon	1	—	—	—	—	1	—
Gambia	—	—	—	—	—	—	—
Ghana	12	2	3	—	—	17	—
Guinea	1	—	—	—	—	1	—
Ivory Coast	—	—	—	—	—	—	—
Kenya	6	—	—	-1	—	5	—
Liberia	1	—	—	—	—	1	—
Libya	1	—	—	-1	—	—	—
Madagascar	1	—	1	—	—	2	—
Malawi	—	1	—	—	—	1	—
Mali	2	—	—	—	—	2	—
Mauritania	1	—	—	—	—	1	—
Morocco	4	—	1	—	—	5	—
Niger	—	—	—	—	—	—	—
Nigeria	8	1	3	-3	-1	8	—
Rwanda	1	—	—	—	—	1	—
Senegal	3	1	1	—	—	5	—
Sierra Leone	4	1	1	—	+1	7	—
Somalia	1	—	—	—	—	1	—
South Africa	13	—	1	—	—	14	—
Sudan	6	—	1	-1	—	6	—
Togo	5	—	—	—	-1	4	—
Tunisia	4	1	—	—	—	5	—
Uganda	1	1	2	—	—	4	—
United Arab Republic	24	1	3	-1	—	27	—
United Republic of Tan- zania	2	1	1	-1	+1	4	—
Upper Volta	1	—	—	—	—	1	—
Zambia	—	—	—	—	—	—	—
SUB-TOTAL	124	12	30	-9	+2	159	—
II. ASIA AND THE FAR EAST							
Australia	16	2	6	-2	-1	21	—
Burma	11	—	—	—	—	11	—
Cambodia	3	—	—	—	—	3	—
Ceylon	12	—	2	-2	—	12	—
China	49	—	—	—	—	49	—
India	63	—	3	-2	+1	65	—
Indonesia	13	—	—	-1	—	12	—
Japan	27	2	4	-4	+1	30	—
Laos	2	—	—	—	—	2	—
Malaysia	3	—	—	-1	-1	1	—
Maldivé Islands	—	—	—	—	—	—	—
Mongolia	—	—	—	—	—	—	—
Nepal	4	1	—	—	—	5	—
New Zealand	7	1	2	—	+1	11	—
Pakistan	14	—	2	-3	—	13	—
Philippines	16	—	1	—	—	17	—
Singapore	—	1	—	-1	+1	1	—
Thailand	9	—	—	—	+1	10	—
SUB-TOTAL	249	7	20	-16	+3	263	—
III. EUROPE (Eastern)							
Albania	—	—	—	—	—	—	—
Bulgaria	6	—	1	-2	—	5	—

TABLE 4 (continued)

	Number of staff 31/8/65	Appointments		Separa- tions ^c	Adjust- ments ^d	Number of staff 31/8/66	Special cate- gory ^e
		Career	Non- Career				
III. EUROPE (Eastern)							
(continued)							
Byelorussian Soviet So- cialist Republic	3	—	—	—	+1	4	—
Czechoslovakia	26	—	7	-1	-1	31	1
Hungary	7	—	2	-2	—	7	—
Poland	23	—	6	-2	-1	26	1
Romania	5	—	1	—	—	6	—
Ukrainian Soviet So- cialist Republic	10	—	4	-2	—	12	—
Union of Soviet Socialist Republics	77	—	25	-9	+3	96	—
Yugoslavia	10	—	5	-2	+1	14	—
SUB-TOTAL	167	—	51	-20	+3	201	2
IV. EUROPE (Western)							
Austria	12	3	1	—	—	16	—
Belgium	19	—	—	-2	+1	18	—
Denmark	9	1	—	—	-1	9	—
Finland	10	1	2	-4	—	9	—
France	78	3	3	-4	+1	81	—
Greece	6	1	1	—	—	8	—
Iceland	1	—	1	—	—	2	—
Ireland	4	1	—	-1	+1	5	—
Italy	26	2	1	-2	-2	25	—
Luxembourg	2	1	—	—	—	3	1
Malta	—	—	1	—	—	1	—
Netherlands	21	1	1	-3	+1	21	—
Norway	15	—	—	—	—	15	—
Portugal	2	—	1	—	—	3	—
Spain	14	3	—	—	—	17	—
Sweden	14	1	2	-3	—	14	—
United Kingdom of Great Britain and Northern Ireland	110	6	8	-6	+2	120 ^a	—
SUB-TOTAL	343	24	22	-25	+3	367	1
V. LATIN AMERICA							
Argentina	24	—	1	-1	+1	25	—
Bolivia	7	—	1	—	+2	10	—
Brazil	17	1	4	-3	—	19	—
Chile	18	—	1	-1	+1	19	—
Colombia	13	—	1	—	—	14	—
Costa Rica	4	1	—	—	—	5	—
Cuba	4	1	—	—	—	5	—
Dominican Republic ...	3	—	—	—	+1	4	—
Ecuador	9	—	—	—	+1	10	—
El Salvador	3	1	—	—	-1	3	—
Guatemala	2	—	1	—	—	3	—
Haiti	10	—	—	—	+1	11	—
Honduras	1	1	—	—	—	2	—
Mexico	15	—	—	—	-1	14	—
Nicaragua	3	—	—	—	—	3	—
Panama	4	—	—	-1	—	3	—
Paraguay	4	—	—	—	+1	5	—
Peru	6	—	2	—	—	8	—
Uruguay	7	2	1	—	—	10	—
Venezuela	5	—	—	-1	+1	5	—
SUB-TOTAL	159	7	12	-7	+7	178	—
VI. MIDDLE EAST							
Afghanistan	3	—	1	—	—	4	—
Cyprus	6	—	—	-1	—	5	—
Iran	9	—	—	-2	+1	8	1
Iraq	6	1	1	—	-1	7	—
Israel	6	—	1	—	—	7	—
Jordan	7	—	—	—	+1	8	1
Kuwait	—	—	—	—	—	—	—

TABLE 4 (continued)

	Number of staff 31/8/65	Appointments			Adjust- ments ^d	Number of staff 31/8/66	Special cate- gory ^e
		Career	Non- Career	Separ- ations ^c			
VI. MIDDLE EAST (continued)							
Lebanon	8	—	1	-1	—	8	—
Saudi Arabia	1	1	—	—	—	2	—
Syrian Arab Republic ..	8	2	—	—	-1	9	—
Turkey	11	1	—	—	—	12	—
Yemen	2	—	—	—	—	2	—
SUB-TOTAL	67	5	4	-4	—	72	2
VII. NORTH AMERICA AND THE CARIBBEAN							
Canada	39	3	1	-7	—	36	1
Jamaica	9	—	3	-1	—	11	—
Trinidad and Tobago ..	5	—	1	—	—	6	—
United States of America	299	19	10	-18	+11	321	—
SUB-TOTAL	352	22	15	-26	+11	374	1
VIII. NON-MEMBER STATES							
Federal Republic of Ger- many	1	—	3	—	—	4	—
Republic of Korea	2	—	—	—	—	2	—
Republic of Viet-Nam ..	2	—	—	—	—	2	—
Switzerland	19	—	—	-2	+2	19	—
Stateless	6	—	—	-1	+1	6	1
SUB-TOTAL	30	—	3	-3	+3	33	1
TOTAL	1,491	77	157	-110	+32	1,647	7

TABLE 5. FIXED-TERM IN PROFESSIONAL AND HIGHER LEVEL POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION AS OF 31 AUGUST 1966

(By nationality and level)

	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total
I. AFRICA									
Algeria	—	—	—	—	—	—	1	—	1
Burundi	—	—	—	—	—	—	—	1	1
Cameroon	—	1	—	—	1	1	—	—	3
Central African Republic	—	—	—	—	—	—	1	—	1
Congo (Brazzaville)	—	—	—	—	—	—	—	2	2
Congo (Democratic Re- public of)	—	—	—	—	—	—	—	2	2
Dahomey	—	—	—	—	—	1	2	—	3
Ethiopia	—	1	—	—	1	2	4	—	8
Ghana	1	1	—	3	1	1	1	—	8
Guinea	—	—	—	—	—	—	1	—	1
Kenya	—	—	—	—	1	1	—	—	2
Liberia	—	—	—	—	—	1	—	—	1
Madagascar	—	—	—	—	—	—	—	2	2
Mali	—	—	—	1	—	—	—	—	1
Mauritania	—	—	—	—	—	—	—	1	1
Morocco	—	—	—	—	—	—	2	—	2
Nigeria	—	—	—	1	—	—	2	—	3
Rwanda	—	—	—	—	—	—	—	1	1
Senegal	—	—	—	—	1	—	2	—	3
Sierra Leone	—	—	—	1	—	—	1	1	3
Somalia	—	—	—	—	—	1	—	—	1
South Africa	—	—	—	—	—	1	—	1	2
Sudan	—	—	—	—	1	—	1	—	2
Togo	—	—	—	—	—	1	1	—	2
Tunisia	—	—	—	—	1	—	—	—	1
Uganda	—	—	—	1	—	1	—	1	3
United Arab Republic ..	1	—	1	3	3	7	—	—	15

TABLE 5 (continued)

	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total
V. LATIN AMERICA									
<i>(continued)</i>									
Peru	—	—	—	—	—	2	—	—	2
Uruguay	—	—	—	—	—	1	—	—	1
Venezuela	1	—	—	—	—	—	—	—	1
SUB-TOTAL	3	1	—	3	8	13	8	1	37
VI. MIDDLE EAST									
Afghanistan	—	—	—	—	1	—	—	1	2
Iraq	—	—	1	—	—	2	—	—	3
Israel	—	—	—	2	—	—	—	—	2
Jordan	—	—	—	—	—	2	—	—	2
Lebanon	—	—	—	—	1	1	—	—	2
Syrian Arab Republic ..	—	—	1	—	—	—	—	—	1
Turkey	—	—	—	1	—	—	—	—	1
Yemen	—	—	—	—	—	—	1	—	1
SUB-TOTAL	—	—	2	3	2	5	1	1	14
VII. NORTH AMERICA AND THE CARIBBEAN									
Canada	—	—	—	1	3	1	—	—	5
Jamaica	—	1	—	2	1	1	—	—	5
Trinidad and Tobago ...	—	—	1	—	—	1	—	—	2
United States of America	2	1	—	7	7	10	4	—	31
SUB-TOTAL	2	2	1	10	11	13	4	—	43
VIII. NON-MEMBER STATES									
Federal Republic of Germany	—	—	—	1	2	1	—	—	4
Republic of Korea	—	—	—	—	—	2	—	—	2
Republic of Viet-Nam ...	—	—	—	—	1	—	—	—	1
Stateless	—	—	—	—	—	1	—	—	1
SUB-TOTAL	—	—	—	1	3	4	—	—	8
TOTAL	18	22	30	62	136	140	59	22	489

TABLE 6. STAFF IN POSTS WITH SPECIAL LANGUAGE REQUIREMENTS AS AT 31 AUGUST 1966
(By nationality and level)

	P-5	P-4	P-3	P-2	P-1	Total
I. AFRICA						
Morocco	—	—	1	—	—	1
United Arab Republic	—	—	1	—	—	1
SUB-TOTAL	—	—	2	—	—	2
II. ASIA AND THE FAR EAST						
Australia	—	—	2	—	—	2
China	2	17	30	3	1	53
India	—	—	—	1	—	1
Philippines	—	—	1	—	—	1
SUB-TOTAL	2	17	33	4	1	57
III. EUROPE (Eastern)						
Byelorussian Soviet Socialist Republic	—	—	1	1	—	2
Romania	—	—	1	—	—	1
Ukrainian Soviet Socialist Republic	—	—	3	2	—	5
Union of Soviet Socialist Republics	3	21	36	6	—	66
SUB-TOTAL	3	21	41	9	—	74

TABLE 6 (continued)

	P-5	P-4	P-3	P-2	P-1	Total
IV. EUROPE (Western)						
Belgium	—	3	1	2	—	6
Finland	—	1	—	—	—	1
France	11	27	59	33	—	130
Ireland	—	1	—	2	—	3
Italy	—	—	1	1	—	2
Spain	1	9	15	10	—	35
Sweden	—	—	—	1	—	1
United Kingdom of Great Britain and Northern Ireland	8	13	32	18	—	71
SUB-TOTAL	20	54	108	67	—	249
V. LATIN AMERICA						
Argentina	—	8	12	3	—	23
Bolivia	—	—	1	—	—	1
Chile	—	2	6	1	—	9
Colombia	—	1	—	—	—	1
Costa Rica	—	1	—	—	—	1
Cuba	—	—	1	—	—	1
Dominican Republic	—	1	1	—	—	2
Mexico	—	2	2	—	—	4
Peru	—	—	1	1	—	2
Uruguay	—	1	—	1	—	2
Venezuela	—	—	1	—	—	1
SUB-TOTAL	—	16	25	6	—	47
VI. MIDDLE EAST						
Iraq	—	1	—	—	—	1
Israel	—	—	2	2	—	4
Lebanon	1	1	1	—	—	3
Syrian Arab Republic	—	—	2	—	—	2
SUB-TOTAL	1	2	5	2	—	10
VII. NORTH AMERICA AND THE CARIBBEAN						
Canada	—	3	2	1	—	6
United States of America	3	24	36	5	—	68
SUB-TOTAL	3	27	38	6	—	74
VIII. NON-MEMBER STATES						
Republic of Viet-Nam	—	—	1	—	1	2
Switzerland	—	1	5	2	—	8
Stateless	—	4	3	1	—	8
SUB-TOTAL	—	5	9	3	1	18
TOTAL	29	142	261	97	2	531

TABLE 7. STAFF SPECIFICALLY APPOINTED FOR MISSION SERVICE AS AT 31 AUGUST 1966

(By nationality and level)

	Number of staff 31/8/65	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66
I. AFRICA										
South Africa	1	—	—	—	—	—	—	—	—	—
SUB-TOTAL	1	—	—	—	—	—	—	—	—	—
II. ASIA AND THE FAR EAST										
Australia	2	—	—	—	—	—	—	—	—	—
Ceylon	1	—	—	—	1	—	—	—	—	1
India	2	—	—	—	—	—	—	1	—	1
New Zealand	2	—	—	—	—	—	2	—	—	2
Pakistan	1	—	—	—	—	—	1	—	—	1
SUB-TOTAL	8	—	—	—	1	—	3	1	—	5

TABLE 7 (continued)

	Number of staff 31/8/65	U-S	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/66
III. EUROPE (Western)										
Finland	—	1	—	—	—	—	—	—	—	1
France	3	—	1	—	1	—	1	—	—	3
Italy	1	—	—	—	—	—	1	—	—	1
Norway	1	1	—	—	—	—	—	—	—	1
Spain	1	—	—	—	—	—	1	—	—	1
United Kingdom of Great Britain and Northern Ireland	1	—	—	—	1	—	1	—	—	2
SUB-TOTAL	7	2	1	—	2	—	4	—	—	9
IV. LATIN AMERICA										
Brazil	2	1	—	—	—	—	—	—	—	1
Chile	—	1	—	—	—	—	—	—	—	1
Ecuador	1	—	—	—	—	—	—	—	—	—
SUB-TOTAL	3	2	—	—	—	—	—	—	—	2
V. NORTH AMERICA AND THE CARIBBEAN										
Canada	1	—	—	—	1	—	—	—	—	1
United States of America	1	1	—	—	—	1	—	—	—	2
SUB-TOTAL	2	1	—	—	1	1	—	—	—	3
VI. NON-MEMBER STATES										
Switzerland	2	—	—	—	1	1	—	—	—	2
SUB-TOTAL	2	—	—	—	1	1	—	—	—	2
TOTAL	23	5	1	—	5	2	7	1	—	21

Foot-notes to tables 2, 3 and 4:

^a Includes three staff members from Barbados; one from St. Vincent and four from Southern Rhodesia.

^b Includes one staff member from Southern Rhodesia and one from Barbados.

^c This column takes note of resignations, retirements, completion of fixed-term appointments or separations for any other cause.

^d 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 United Nations Development Programme and other United Nations bodies.

(iv) Promotion of General Service staff.

(v) Changes in nationality status.

^e Staff members who have permanent residence status in the United States.

(b) Other personnel questions

DOCUMENT A/6491*

Report of the Secretary-General

[Original text: English]
[1 November 1966]

I. AMENDMENT OF STAFF REGULATION 3.2:
EDUCATION GRANT

1. In his report on personnel questions submitted to the General Assembly at its twentieth session, the Secretary-General, in agreement with the Administrative Committee on Co-ordination (ACC), proposed that the maximum of the education grant in respect of any scholastic year ending after 1 January 1966 should be increased from \$600 to \$1,000.¹ The Ad-

visory Committee on Administrative and Budgetary Questions recommended that, pending a study of the grant by the International Civil Service Advisory Board (ICSAB), the maximum should be \$700.² In accordance with this recommendation, the General Assembly decided, by resolution 2121 (XX), that staff regulation 3.2 should be amended accordingly.

2. The Board examined the purpose and conditions of the grant at its fourteenth session, held in New York from 30 June to 15 July 1966. In its report on the subject, which is reproduced as the annex to the

* Incorporating document A/6491/Corr.1.

¹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 84, document A/6037, para. 5.

² *Ibid.*, document A/6102/Rev.1, para. 19.

present document, the Board concluded that there was a need for a thorough review of the original conception of the grant and the way in which it had developed in practice. For this reason, it considered that the question could not be looked at in isolation but must be brought within the scope of the review of the principles underlying the salary system. Since its comprehensive review of the salary system could not be completed in 1966, the Board, having examined all the data submitted to it, concluded that some further increase in the grant could be justified by reference to the cost of education in international and national schools. It accordingly recommended that, as an interim adjustment, the maximum of the grant be raised to \$800.

3. ACC agrees with this recommendation and will continue to facilitate the task of the Board in its examination of the subject.

4. Should the General Assembly approve the proposed increase in the amount of the education grant, the Secretary-General would seek an additional credit of \$34,400, for distribution among the relevant budget sections as follows:

Section	\$
4 Common staff costs	29,500
17 United Nations Field Service	1,300
18 Office of the United Nations High Commissioner for Refugees	800
19 International Court of Justice	300
20 United Nations Conference on Trade and Development	2,500
	<hr/>
	34,400
	<hr/> <hr/>

II. INTERPRETATION OF STAFF REGULATION 3.3: STAFF ASSESSMENT PLAN

5. Under staff regulation 3.3, the Secretary-General is authorized to refund to staff members the amount of staff assessment collected from them in cases where they are subject both to staff assessment and to national income taxation. The regulation further provides that such refunds shall be charged to the Tax Equalization Fund.

6. In interpretation of these provisions, the Secretary-General wishes to inform the General Assembly of the solution which has been found to a problem affecting the Secretariat at Headquarters. This is the problem of the imposition by statute of the United States social security tax, applicable by law from the beginning of 1960 to all staff of United States nationality serving within the United States. While undoubtedly of great social value in affording increasing benefits to the citizen, the tax bears proportionately more heavily on lower-paid staff. Moreover, not only is it necessarily in addition to the 7 per cent of pensionable remuneration withheld for contributions to the United Nations Joint Staff Pension Fund, but also it is assessed at a rate 50 per cent higher for United Nations staff than applies to like service with domestic employers. This differential, which is based on the fact that the employer's portion of the tax cannot be assessed against an international organization, has naturally led to the objection on the part of the Staff—which is hardly contestable—that they as individuals are obliged to bear a significantly higher burden solely on account of the exempt status of the United Nations. In addition, these tax rates have increased from a

maximum of \$216 per annum for 1960 to \$405.90 for 1966, with a number of future rises already legislated for.

7. Over the years since 1960 many solutions have been examined by the Administration. In September 1965, the Secretary-General appointed a panel of senior Secretariat officials to assess all aspects of the problem and to propose possible remedies. The Secretary-General is happy to inform the General Assembly that the panel has submitted and he has adopted a recommendation which he believes deals equitably with the staff concerned, avoids any additional charge on the budget of the Organization, and maintains undisturbed the application of the national laws which in the circumstances of the legislation had always been considered to lie within the area of direct relations between the Government of the Member State and its citizens.

8. The proposal adopted, taking account of the complexities in law and equity which had thus developed, has been so designed as to limit the solution to the narrowest area of difficulty. This was the problem of equalization—i.e., of placing the United States taxpayer within the Organization on the same basis as one without. That inequality arises only out of the differential between the 50 per cent higher social security tax which the staff member pays for the same coverage as compared with that paid by a similar salaried employee serving under a domestic employer. The Secretary-General therefore proposed to the Permanent Representative of the United States that equality would be restored by reimbursing to the international employee this differential between the amount of the social security tax paid by the United Nations employee and that paid by the employee of a taxable employer, in the same manner as his United States income taxes are already refunded to him. A justifiable source of complaint would thus be removed and a basic sense of the fairness of conditions of international service renewed, without in any way favouring one nationality of staff over another. Moreover, it was felt that the problem created by the differential was similar to that created by the assessment of income tax on the salaries paid to United States staff by the United Nations. In each case what is involved is a tax on income, the imposition of which is compulsory and the payment final; in each case the problem arises because the employer is an international organization.

9. Taking into account on the one hand, therefore, the legal nature of the social security tax, and on the other hand the purpose of the United Nations income tax reimbursement system as a device to avoid placing taxable staff members at a disadvantage in comparison with tax-exempt staff with whom they serve, the Secretary-General concluded that the amount of the refund of the income tax paid by a staff member in respect of his official income, which the Secretary-General is authorized to make under staff regulation 3.3 (f), should be deemed to include the difference between the amount of the social security tax the staff member is required to pay as an employee of the United Nations and the amount he would have paid as an employee of a taxable employer.

10. This solution had the advantage of affording a maximum of reasonable relief while necessitating a minimum of procedural arrangements, since the machinery already exists in the form of the Tax Equalization Fund, established by General Assembly resolution 973 A (X). Moreover, the Tax Equalization

Fund was designed to relieve the budget of the Organization of the cost of reimbursing income taxes to staff members of any given nationality by in effect assessing that cost against the contribution of the Government of the Member State imposing the tax. Consultations established that an adequate balance had accumulated in the Fund to make feasible the inclusion of the additional amount, which would at 1966 rates add \$206,000 to an approximate income tax reimbursement figure of \$3,200,000. Moreover, as the balance in the Fund remains in the sub-account of the United States and stands to the credit of the United States Government, it was the view of the Secretary-General that the procedure would conform to the regulation if that Government, as he hoped, could find itself in a position to acquiesce in this addition to the sums due to its nationals by way of reimbursement.

11. The United States Government concurred in the proposal of the Secretary-General, by a note of 7 June 1966 from the Permanent Representative of the United States addressed to the Secretary-General. It proposed that the new procedure should become effective 1 January 1967, to cover reimbursements in respect of 1966 and subsequent years. In the opinion of the Secretary-General, this remedy, which bears solely upon national income tax elements of the Government concerned and can result in drawings only on the sub-account standing to the credit of that Government in the Tax Equalization Fund, can be given effect within the framework of the authority conferred on him by staff regulation 3.3 (e) and (f). He would report to the General Assembly if, after a year or two of experience, it appeared that any amendment to the regulation might be desirable.

III. HEALTH INSURANCE

12. In resolution 1095 (XI) of 27 February 1957, the General Assembly authorized the Secretary-General to broaden the health insurance schemes which had been in existence since the inception of the Secretariat and to finance them on the basis of an approximately equal sharing of the over-all costs by the participating staff and the Organization, subject to the provision that a larger measure of assistance should be granted to staff in the lower salary levels.

13. Improved health protection has since been available to staff members and their dependants both at Headquarters, which has group insurance plans provided by a voluntary association and an insurance company, and at three major established offices, which provide comparable coverage through separate arrangements. In all cases, staff participation in the health insurance schemes is on an optional basis, contributions to the costs of the plans are graduated and entitlement to benefits ceases on separation from the service.

14. On the basis of experience acquired over the years, it has become evident that the original arrangement under which coverage is automatically terminated on cessation of service, is unduly restrictive and cannot be justified by reference to national or international practice. It is common practice among Member States to provide after-service health protection for national civil servants and members of their families. Such after-service protection is also available to former staff members of several specialized agencies (WHO, the ILO, ITU and UNESCO). A staff member of the United Nations leaving his service on reaching the age of retirement or for disability is therefore at a

disadvantage; and so is the Organization as an employer.

15. This aspect of the conditions of service in the United Nations common system was the subject of an observation by the Advisory Committee on Administrative and Budgetary Questions, in its report on administrative and budgetary co-ordination, which was submitted to the General Assembly at its twentieth session.⁸ The Committee suggested that the matter was of sufficient importance to the organizations and their staff to warrant further review.

16. It may be noted in this connexion that, on retirement, officials of international organizations have in most countries no rights to health protection under national social security schemes. In the absence of other coverage, such officials must therefore seek protection through individual insurance policies—which, if available at all, are costly—or face the risk of spending a disproportionate part of their retirement income on medical and hospital care.

17. In the light of these developments, the Secretary-General has examined the feasibility of extending present health protection schemes to cover retired United Nations staff members, their dependants or survivors. He has reached the conclusion that, subject to certain conditions of eligibility, such an extension is entirely feasible, in terms of costs to the participants, payment of contributions and provision of benefits, without altering the basic principles governing the operation of the schemes.

18. Under the conditions worked out for the purpose, health insurance coverage would be made available to any staff member leaving the service of the United Nations at the age of retirement or for disability who, at the time of separation, had been a contributory participant of a United Nations health insurance plan for a specified period. In the case of retirement, the qualifying period would be ten years and, in the case of termination for disability, three years. The same conditions of eligibility would initially apply also to former staff members who left the service before institution of the new scheme. In all cases, coverage would be available only to those who were in receipt of periodic benefits from the United Nations Joint Staff Pension Fund or under the rules governing compensation for service-incurred death, injury or illness.

19. Dependants or survivors of a former staff member would be entitled to coverage under the scheme, provided they were covered by the United Nations health insurance plans at the time the staff member left the Organization and had the necessary qualifying period of participation.

20. Contributions of former staff members or their survivors would be based on the schedule of payments which applies to staff members. This schedule would be so maintained that the over-all cost of health insurance would be shared equally on the one hand by the Organization and on the other by staff members, former staff members or their survivors as a whole.

21. It is estimated, on the basis of replies to a questionnaire sent out to present recipients of retirement, disability or survivor's benefits, that the additional cost to the Organization of extending health protection to retired staff members, their dependants or survivors in 1967 would amount to \$20,000.

⁸ *Ibid.*, Annexes, agenda item 82, document A/6122, para. 51.

22. Should the General Assembly agree that, with effect from 1 January 1967, the health insurance schemes established by the United Nations for its staff be made available to retired staff members or survivors in accordance with the conditions set out above, the Secretary-General would undertake to meet the additional expenditures in 1967 from the appropriations already requested under section 4 of the budget (Common staff costs).

IV. AMENDMENTS TO THE STAFF RULES

23. Staff regulation 12.2 provides that the Secretary-General shall report annually to the General Assembly such staff rules and amendments thereto as he may make to implement the Staff Regulations. In accordance with this provision, the Secretary-General wishes to report the following amendments which he has made from 1 September 1965 to 31 August 1966.

24. With effect from 1 January 1966, staff rules 101.1 to 112.2—which are 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—were issued in a revised edition embodying all the amendments made by the Secretary-General up to that date (ST/SGB/Staff Rules/1/Rev.1). The rules amended after 1 September 1965 were:

(a) Rule 104.12, Temporary Appointments, and rule 106.2, Sick Leave, amended with effect from 1 November 1965 to extend the provisions on sick leave applicable to staff members holding permanent or regular appointments, also to those on indefinite appointments;

(b) Rule 103.16, Pensionable Remuneration, and rule 103.20, Education Grant, amended with effect from 1 January 1966 in accordance with General Assembly resolution 2050 (XX) of 13 December 1965 and resolution 2121 (XX) of 21 December 1965 respectively;

(c) Rule 104.14, Appointment and Promotion Board, and rule 109.1 (c) Abolition of Posts and Reduction of Staff, amended with effect from 1 January 1966 to provide for special procedures applicable to staff members of the United Nations Development Programme and of the United Nations Institute for Training and Research.

25. With effect from 1 January 1966, appendix B of the same rules, Salary Scales for Field Service Category, was amended to show the revised salary scales (ST/SGB/Staff Rules/1/Rev.1/Amend.1).

26. With effect from the same date, appendix D to the Staff Rules, Rules Governing Compensation in the Event of Death, Injury or Illness Attributable to the Performance of Official Duties on Behalf of the United Nations, was revised to embody the amendments made by the Secretary-General on the basis of principles approved by the Administrative Committee on Co-ordination in April 1965 for application in the United Nations common system (ST/SGB/Staff Rules/Appendix D/Rev.1).

27. With effect from 1 June 1966, appendix B of the same rules, Manual Workers—Salaries and Allowances, was amended to show the revised schedule of salaries (ST/SGB/Staff Rules/1/Rev.1/Amend.2).

28. Staff rules 200.1 to 212.7, which are applicable to staff members specifically recruited for service with technical assistance projects, were issued in a revised edition, with effect from 1 January 1966, embodying all previous amendments, including those made to:

(a) Rule 203.1, appendix I, Salary Scales, rule 203.2, Salary Increments, rule 203.5, appendix II, Schedule of Post Adjustments, and rule 203.8, Education Grant, in accordance with General Assembly resolutions 2050 (XX) and 2121 (XX);

(b) Rule 203.6, Salaries and Emoluments Subject to Staff Assessment, rule 209.6, Repatriation Grant, and rule 209.8, Conditions Governing Payment of Repatriation Grant, in accordance with General Assembly resolution 1929 (XVIII) of 11 December 1963. Pursuant to the same resolution, rule 209.7, Service Benefit, was deleted;

(c) Rule 206.4, Medical Care and Compensation for Death, Injury or Illness Attributable to Service, in accordance with the provisions of appendix D to the Staff Rules as revised with effect from 1 January 1966;

(d) Rule 207.6, Standards of Accommodation, and rule 207.18, Expenses While in Transit by Sea, in line with the provisions governing travel in effect since April 1963 (ST/SGB/Staff Rules/2/Rev.1).

29. Staff rules 301.1 to 312.6, which are applicable to staff members specifically engaged for conference and other short-term service, were issued in a revised edition embodying all amendments made previously and omitting rule 309.6, Service Benefit, in consequence of General Assembly resolution 1929 (XVIII) (ST/SGB/Staff Rules/3/Rev.1).

30. With effect from 1 July 1966, appendix A to these rules was amended to show the revised salary rates (ST/SGB/Staff Rules/3/Rev.1/Amend.1).

ANNEX

Excerpt from the report of the International Civil Service Advisory Board on its fourteenth session*

SECTION III. EDUCATION GRANT

A. Introduction

60. On 25 April 1966, the Secretary-General of the United Nations requested, on behalf of the Administrative Committee on Co-ordination (ACC), that the question of a review of the education grant be included in the agenda of the present session of the International Civil Service Advisory Board (ICSAB).

61. This request followed a decision taken by the General Assembly at its twentieth session in considering a proposal for an increase in the amount of the grant (see paragraph 69 below).

62. In support of this request, ACC, at its forty-first session held in London from 27 to 29 April 1966, approved, for submission to the Board, papers containing the views and proposals of the organizations in the common system, as well as factual information on the evolution of the education grant system, the practices of certain national civil services, public aid to students in higher education, age limits, costs and other relevant issues (ICSAB/XIV/R.6 and Add.1).

63. The Board recalled that it had already had an opportunity to express its views on some aspects of this problem in its 1955 *Report on educational facilities for the children of international Civil Servants* (Coord/Civil Service/6). Reference is made in paragraphs 75 and 95 below to the conclusions reached and the recommendations made on that occasion.

* Document ICSAB/XIV/1 of 15 July 1966.

B. The problem before the Board

64. Under the Staff Regulations of the United Nations, an education grant is payable to a staff member serving outside his recognized home country in respect of a dependent child under the age of 21 in full-time attendance at a school, university or similar educational institution of a type which will, in the opinion of the Secretary-General, facilitate the child's re-assimilation in the staff member's home country. Similar provisions exist in the regulations or rules of the other organizations in the United Nations common system.

65. Before 1962, the grant was payable at a flat rate in respect of attendance at schools in the home country and (with minor exceptions) at 50 per cent of cost, subject to a maximum, in respect of attendance at schools outside the home country.

66. Owing to the wide variations in education costs in different countries this system gave rise to difficulties and anomalies. In 1961, therefore, following a study made by ACC, the organizations in the common system made, by administrative action, changes in the basis and the application of the grant which are described in more detail in paragraphs 79, 81, 97 and 98 below. In the same year, on the proposal of ACC, the General Assembly agreed that the principle for establishing the amount of the grant should be changed so that the organization would pay 75 per cent of the cost incurred by the staff member, subject to a specified maximum.

67. As from 1 January 1962, the amount of the grant was:

(a) In the case of attendance at a school outside the country of the duty station:

- (i) Where the school provides both board and tuition—75 per cent of the cost up to a maximum of \$600;
- (ii) Where the school does not provide board—\$400 plus 75 per cent of the cost of attendance up to a maximum grant of \$600 a year;

(b) in the case of schools in the country of the duty station: 75 per cent of the cost of attendance up to a maximum grant of \$600.

68. In view of the continuing rise in costs of education, and the importance of the problem of children's education as a factor in recruitment of staff and experts for expatriate service, ACC in 1964/1965 made a new study both of actual costs of schools in various countries and of the practice of certain national Governments with respect to the payment of education grant. Its conclusion was that the United Nations maximum was inadequate and far short of the amounts paid by the Governments examined. The Secretary-General, in agreement with ACC, accordingly proposed that the maximum grant be increased to \$1,000, and that the lump sum payable where the school did not provide board should be increased from \$400 to \$500. The actual grant payable would not, however, exceed 75 per cent of the cost incurred by the staff member nor would there be any change in the definition of this cost.

69. Commenting on this proposal, the United Nations Advisory Committee on Administrative and Budgetary Questions, in its report to the General Assembly, suggested that all aspects of the subject should be reviewed by the International Civil Service Advisory Board before any important changes were made.^b It felt that "any study undertaken by ICSAB should include a systematic inquiry into the costs of education in a representative number of countries and into the practices of such countries with respect to education grants for the children of expatriate public servants".^c The Committee agreed that costs of education had increased since 1961, and that some increase in the maximum was warranted. It recommended an increase from \$600 to \$700; the difference of \$100 being based on the fact that, at the United Nations International School in New York, the average tuition fee per child had risen from \$900 in 1961 to \$1,030 in 1965. These recommendations were approved by the General Assembly of the United

Nations at its twentieth session and, subsequently, by the competent authorities of the other organizations.

70. With respect to conditions other than the amount, the Advisory Committee commented as follows: "The Secretary-General has not referred to the administrative difficulties and inequities which occurred in determining entitlement to the education grant prior to modification of that procedure, effective 1 January 1962. The Advisory Committee understands that the Secretary-General is in general satisfied with the manner in which the present procedure operates. The Committee, however, is of the view that certain difficulties still exist in determining entitlement to the education grant. Moreover, on the basis of the information presented, it is not completely satisfied with the manner in which the policy is being implemented. It appears probable that the formula at present being applied is not sufficiently clear to assure proper entitlement in all cases".^d

71. On that basis, the review requested by the Advisory Committee was understood to cover the following points:

- (a) The justification for the grant and its place in the salary system;
- (b) The principles underlying the grant;
- (c) The manner of application of the principles;
- (d) The amount of the grant;
- (e) Travel expenses.

C. The views and proposals of the organizations

72. The views and proposals of the organizations may be summarized as follows:

(a) *On the justification for the grant and its place in the salary system*

73. Individuals serving outside their own country may be faced with a special problem in the matter of the education of their children, and unless steps are taken to alleviate it they may be discouraged from seeking employment in an international organization. The problem is accentuated in the case of movement from one locality to another. The existence of an education grant helps to reduce the nature of this problem.

74. A second justification, in the view of ACC, is that the existence of the grant—as of any allowance—contributes to a greater selectivity in the salary system, inasmuch as it meets a special need by a directly related payment.

(b) *On the principles underlying the grant*

75. ACC recalled the statement made as follows by the Board in its 1955 report:

"The main principle on which an education grant should be based is that it assists the parents to ensure that their children are able to fit naturally into the life of their own country when they return to it, whether for further education, to take up employment or in any other way to make a life for themselves..." (Coord/Civil Service/6, paragraph 13).

76. ACC believes that while this principle remains generally valid, the changed circumstances of 1966 warrant a rather broad application of it in some cases.

(c) *On the manner of application of the principles*

77. After reviewing the development of the grant, from its strict limitation in 1946 to schools and universities in the home country to the almost complete freedom of choice given to parents in 1961, ACC noted that, since that date, two major changes had occurred which would justify a further revision in the manner of application of the principles underlying the grant. These changes were:

- (i) The increase in the membership of the organizations and, as a result, in the number of nationalities on the staffs thereof;
- (ii) The great increase in field activities, which had raised the number of duty stations from approximately 60 to over 160.

^b Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 84, document A/6102/Rev.1, para. 15 (b).

^c *Ibid.*, para. 17.

^d *Ibid.*, para. 13.

78. Taken together, these changes mean that a much smaller proportion of staff can hope to find special schools answering their particular requirements, linguistic and cultural, near their duty station. They also mean that the formulation of an education grant system which will meet the needs of the United Nations family of organizations gives rise to problems which a national service does not face.

(i) *Primary and secondary education*

79. The broad effect of the changes introduced in 1961 was to abolish the distinction between national (or international) schools and others, and to replace it by a distinction between schools outside the area or country of the duty station and schools inside that country. The removal of all restrictions on the types of school outside the country of the duty station meant that, say, an African official in, say, Laos could obtain the grant if his children went to an English-speaking school in Australia; which was intended. But it also produced anomalies. For instance, a French official in Geneva could obtain the grant in respect of his child's attendance at a school in England. This was not expected, but a few cases of this type have arisen.

80. ACC considered whether it would be advisable to amend the rules to exclude payment in cases of this type. It concluded that, in view of the wide range of circumstances encountered, this could only be done by giving the executive head a discretion to decide that the grant should not be payable for attendance at schools outside the home country and outside the duty station if, in his opinion, the staff member could equally well utilize a school in the home country. There would, however, be difficulties in many cases in interpreting the term "equally well", and, having regard to the very small number of cases involved, ACC felt that a restriction in the rule would cause more trouble than it was worth.

81. As regards schools in the country of the duty station, the organizations agreed in 1960 that the only practical solution was to leave the parent to decide which local school was the best suited to the child's needs. Regardless of the type of school, the parent's expenditure could reasonably be considered an extra expense due to expatriation. The fact that the grant was being put on a percentage-of-cost basis offered protection against abuses. ACC sees no reason to change that view.

(ii) *University education*

82. Turning to university education, ACC recalled that the Board, in 1955, concluded that the grant should be paid only if the university was in the home country. In 1961, however, a free choice was given to parents, with the sole exception of universities in the country of the duty station.

83. This exclusion was made because it was thought that non-expatriated staff would feel unjustly treated if they themselves received no grant while a grant was paid to colleagues whose children were in the same university as their own. There is, however, in the view of ACC, no logical reason for making an exception in his single case, and the existing restriction may well result in extra expense for the organizations, since the parent who might have selected a university in the country of his duty station will in some cases select a more distant one.

84. As in the case of secondary schools, the organizations feel that they are not competent to decide whether there is or is not a suitable university in the home country. Moreover, in view of the increased range of nationalities, they feel that only the parents can decide what is the most suitable university. They feel that it can reasonably be held that educational expenses are in any case an extra expense attributable to expatriation, which the organizations should partly compensate regardless of the place or type of education; they therefore see no reason to treat university education differently from secondary education.

85. ACC accordingly proposed that the restriction limiting the application of the grant to universities outside the country of the duty station should be abolished and that the parents, provided they are expatriated, should be given entire freedom of choice.

(iii) *Age limit*

86. ACC recalled that the age limit was originally 22 years. In 1950, it was reduced to 21, and since 1961, to the end of the scholastic year following the twenty-first birthday. On the basis of information provided by UNESCO, the age at which the first university degree is normally taken is generally 22 or more. ACC therefore proposed to revise the age limit to the end of the scholastic year following the twenty-second birthday, and to maintain the present extension in respect of military-service interruption.

(d) *On the amount of the grant*

87. Under the 1961 inter-organization agreement, cost of attendance covers, since 1962:

- (i) Cost of enrolment;
- (ii) Registration;
- (iii) Prescribed text books;
- (iv) Fees for courses, examination and diplomas;
- (v) Cost of mid-day meals where local conditions justified their inclusion;
- (vi) Cost of daily group transportation.

Boarding costs are also covered where the entitlement related to a school, etc., away from the duty station.

88. As mentioned in paragraph 67 above reimbursement is at the rate of 75 per cent of the costs up to a maximum which, following the decision taken by the General Assembly at its twentieth session, has been raised to \$700. The only exception is in respect of education outside the duty station where board is not included; in that case, the reimbursement is \$400 plus 75 per cent of the cost of attendance up to an over-all maximum of \$700.

89. On the basis of a review of actual education costs and of the assistance provided in this respect by many Governments to their officials serving abroad, ACC concluded in 1965 that the present United Nations maximum is inadequate. It therefore proposed that it should be increased to \$1,000. No change is proposed in the definition of the cost of attendance and in the rate of reimbursement.

(e) *On travel expenses*

90. The present rule is that if the grant itself is payable then the organizations will pay the cost of one return journey a year between duty station and school, except that:

- (i) The cost must not normally exceed the cost of a journey between duty station and home country;
- (ii) If the official is not accompanied at his duty station by any of his dependants, he is entitled to an annual return journey to his home country to see the dependants; in this case, no education travel grant is payable;
- (iii) No payment is made if the child's visit to the duty station is too brief in relation to the expense, or if the timing of the journey is unreasonable in relation to other authorized travel for the official or his dependants.

91. This rule did not seem to ACC to be altogether satisfactory. It is not unreasonable that a parent should wish to bring his child home for each of the school holidays, provided they are not unduly brief; indeed, he may have to, because there is nowhere else for the child to live. The rule in paragraph 90 (iii) above also gives rise to problems. It is based on the idea that an education journey should not be authorized if it follows too closely on a home-leave journey. *Prima facie*, it is reasonable, but its practical effect is that some staff members are able to have two paid education journeys every two years for their children while others have only one.

92. ACC therefore believes that, while safeguards should be retained against manifest abuses against its intention, the rule should be that education grant travel should continue to be granted once a year, but irrespective of the timing of other travel.

93. ACC also requested that a possibility be provided to suspend the restriction in paragraph 90 (i) above. There are cases where parents are transferred during the school year to a duty station which is more distant from the school than the home country. In such cases, the application of the existing

rule should be suspended as long as the child remains at the same school.

D. Observations and conclusions of the Board

94. The Board discussed all aspects of the problem with the representatives of the organizations in the common system. It also had the benefit of the views of the Federation of International Civil Servants' Associations, both orally and in writing. Its observations and conclusions are as follows:

95. The Board noted that the purpose of the grant had gradually been broadened in the course of time. Originally, as proposed by the Executive Committee of the United Nations Preparatory Commission (PC/EX/113/Rev.1, part III, chap. VI, section 2, para. 71) and approved by the General Assembly at its first session (resolution 82 (I)), the grant was strictly geared to education in the home country. At its second session, the General Assembly extended its application to special national and to international schools at the duty station. Then, the Board itself, in its 1955 *Report on educational facilities for the children of international civil servants* proposed, and the General Assembly agreed, to bring within the scope of the grant schools "in a country whose system of education is substantially the same as in the staff member's home country and whose language is that of the home country". An additional measure of discretion was provided so that the grant could be paid in respect of schools in the duty station area "conducted on similar lines" and offering "an education much better adapted to his child's future than that offered by any local school" (see Coord/Civil Service/6, para. 30 (i) and (iii)).

96. The grant was thus no longer linked to education in the home country, as originally conceived, but it still depended on the existence of language and educational similarities between the schools outside the home country which were recognized as meeting the purpose of the grant, and those in the home country.

97. The year 1961 saw a major change: the relationship between the grant and national linguistic and cultural needs was severed and, except for universities, parents were given full freedom in choosing the school entitling them to the grant, in any country. For universities, the only restriction was in respect of those in the country of the duty station. In the United Nations and in several agencies, this change was brought about by administrative action, based upon the discretion given by the Staff Regulations to the executive head to determine the kind of educational institution which will "facilitate the child's re-assimilation in the staff member's recognized home country".

98. The rules which in fact govern the application of the principle set forth in the Regulations provide that a staff member serving outside his own country may receive a grant in respect of each dependent child in full-time attendance at any school, university or similar institution, with the exception of:

Kindergarten or pre-primary schools;

Free schools (or schools charging only nominal fees) in the country of the duty station;

Universities in the country or area of the duty station;

Correspondence courses, except where they are the only available substitute for full-time attendance at schools of a type not available in the duty station;

Private tuition, except tuition in the language of the home country, where the duty station offers no school facilities for learning that language;

Vocational training and apprenticeship which do not involve full-time schooling, or where the child receives any payment for services rendered.

99. In the view of ACC, subject to a few exclusions of a different kind, the parents should be left to decide what is most appropriate. The organizations would be sufficiently protected by the simultaneous agreement that the grant should be fixed at a percentage of cost, subject to a maximum.

100. As will have been seen, the conception underlying the education grant has changed materially since its introduction. Originally, the grant was designed to assist expatriate members

of the staff in the education of their children in their home country. It has developed into something approaching a general expatriation incentive for expatriated staff with children. There is some evidence of a trend, which has developed in the international civil service, to shift on to the budget of the organizations costs which it is normal for parents to meet.

101. Varying views are held about the merits underlying any system of education grants. It can be argued that the cost of education can be a heavy and special burden on staff who wish their children to be educated under the influence of their own national culture. The opposite view is that, whilst parents have an undoubted right to educate their children in the way which seems best to them, the cost of so doing should be borne, in whole or in part, not by the employing organization but by the individual parent.

102. The Board recalled in this connexion that the 1956 Salary Review Committee, accepting "in the light of the ICSAB report of 1955, that there were valid reasons for extending the conditions to meet other cases...", believed, however, "that any further extension could come near to changing the principle of the grant by transforming it into assistance for any educational costs whatsoever".⁶ This is no doubt why the Advisory Committee suggested that the Board's study be undertaken "also with a view to re-evaluating the relative place of the education grant in the over-all system of salaries and allowances...".⁷

103. The Board feels that there is a need for a thorough re-examination of the very justification of the grant and of its purpose. It is for this reason that it considers that it cannot be looked at in isolation but must be brought within the scope of the review of the principles underlying the salary system. To this end it would ask the organizations to review both the original conception underlying the grant and the way in which it has developed in practice. In particular, its incidence having now become so general, consideration should be given to the question of the advantages and disadvantages of incorporating it in some form either in base pay, or in the system of dependency allowances.

104. The Board was informed that in the United Nations (Headquarters, the United Nations Office at Geneva, the regional economic commissions and the Information Centres) the number of children for whom the grant will be payable in 1966 is estimated at 1,200, while the number of children for whom travel will be payable in the same years is estimated at 220.

105. The immediate issue is whether, without waiting for the conclusion of the Board's review of the principles underlying the salary system, some interim adjustment should be made in the maximum of the present grant.

106. The Board recalled that the maximum had risen from \$144 in 1946 to \$200 in 1948, \$400 in 1954, \$600 in 1962 and \$700 in 1966. A proposal, made in 1961, to raise the maximum to \$800 had been reduced to \$600, on the advice of the Advisory Committee on Administrative and Budgetary Questions.

107. The Board gave special attention to the material in the ACC paper on educational facilities provided by certain national services for their expatriate staff (ICSAB/XIV/R.6/Add.1). It also noted from information submitted by UNESCO the position in a number of countries in respect of financial assistance given to students, mostly at the university level.

108. No coherent pattern could be said to emerge from these data. There are wide divergencies between the countries concerned as to the basis and amount of the financial assistance granted to expatriate staff in their own employment. Some of them give no assistance at all, while others provide grants up to \$1,700. In several countries, scholarships are said to take the place of education allowances. In others, assistance is given on an individual basis.

109. The Board was consequently led to consider that, for the international civil service, the only yardstick it could

⁶ *Ibid.*, Eleventh Session, Annexes, agenda item 51, separate fascicle, document A/3209, para. 220.

⁷ *Ibid.*, Twentieth Session, Annexes, agenda item 84, document A/6102/Rev.1, para. 14.

use was that of the movements in the cost of full board and tuition at the international schools in New York and Geneva and at the national schools in various duty stations likely to be used by international civil servants. It noted that, in its report to the General Assembly at its twentieth session, the Advisory Committee had taken a similar line.

110. After careful examination of all the data submitted by ACC, the Board arrived at the conclusion that some further increase in the grant could be justified by reference to the cost of education in international and national schools.

111. The Board generally accordingly recommends that the maximum of the grant be raised on an interim basis to \$800. On the other hand, as noted above, it decided to include

in its review of the principles underlying the salary system the whole question of continuing the grant on a selective basis, as opposed to its incorporation into the salary system.

112. One member of the Board drew attention to the fact that the Board had not been provided with any information to show that since the last increase in the maximum of the education grant there had been an increase in the cost of education at the United Nations international schools and at local schools at the various duty stations such as might justify a further increase in the maximum grant. He therefore considered that there were no grounds for reviewing the decision taken by the General Assembly on the matter at its twentieth session in 1965.

DOCUMENT A/6521

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[22 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/6491) containing proposals on a number of personnel questions.

I. AMENDMENT TO STAFF REGULATION 3.2: EDUCATION GRANT

2. In its report to the General Assembly at its twentieth session,¹ the Advisory Committee, after reviewing the proposal of the Secretary-General to increase the maximum of the education grant from \$600 to \$1,000,² proposed an increase to \$700. In recommending the lower figure, the Committee considered that the details given were not sufficiently comprehensive to warrant an increase of the magnitude proposed and requested the Secretary-General to elicit the desired information on a much broader and more representative basis. The Committee also referred to certain administrative difficulties which existed in determining entitlement to the education grant and stated that it was not completely satisfied with the manner in which the policy was being implemented. For these reasons, and with a view to re-evaluating the relative place of the education grant in the over-all system of salaries and allowances of the United Nations and the specialized agencies, the Advisory Committee suggested that the International Civil Service Advisory Board (ICSAB) through the Administrative Committee on Co-ordination (ACC), be asked to include in its 1966 review of the common principles of the common system of remuneration of the international civil service, a special study of all aspects of the education grant. The Committee was of the view that any further increase in the grant would be premature until ICSAB had completed its review, and suggested that such a study should include a systematic inquiry into the costs of education in a representative number of countries and into the practices of such countries with respect to education grants for the children of expatriate public servants.³

3. During its fourteenth session, held from 30 June to 15 July 1966, ICSAB studied a report by ACC covering the various aspects of the education grant including the principles governing the grant, the man-

ner of its application and the factors considered in determining its amount (ICSAB/XIV/R.6). ICSAB reviewed also additional data on practices in national services submitted by the Secretary-General in accordance with the Advisory Committee's suggestion (ICSAB/XIV/R.6/Add.1).

4. In its report on the education grant (A/6491, annex), ICSAB states that the conception underlying the education grant has changed substantially since its introduction in 1946 and that there is a need for a thorough re-examination of the very justification of the grant, of its purpose and its place in the salary system. Pending completion of its general review of the salary system planned for 1967, ICSAB has recommended an interim increase in the maximum of the grant from \$700 to \$800. The ACC agreed with this recommendation.

5. While the Advisory Committee appreciates that ICSAB has decided to include in its review of the principles underlying the salary system the whole question of continuing the grant on a selective basis, as opposed to its incorporation into the salary system, it hopes that ICSAB will be able to submit its final views on the education grant in 1967. Pending this review, the Committee would wish to make the following general observations on ICSAB's recommendation to increase the maximum of the grant from \$700 to \$800 on an interim basis.

6. The Advisory Committee was informed that thirteen Member States, through their Permanent Missions, had contributed information on the educational facilities provided for their expatriate staff. The arrangements reported appear to vary widely. Some rely on special schools at embassies, while in other cases a flat rate of \$200 per child is paid. One Government reimburses staff to the extent that actual costs of education abroad exceed the estimated cost of education in the home country, or alternatively, up to \$1,000 per year for boarding schools in the home country. Given these variables, ICSAB concluded that it could not find any coherent pattern.

7. In its consideration of the written and oral information presented, the Advisory Committee was unable to find adequate evidence of movements in the costs of education which would warrant another interim increase in the amount of the grant. In general, the data furnished by ACC to ICSAB at its July 1966

¹ *Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 84, document A/6102/Rev.1.*

² *Ibid.*, document A/6037, para. 5.

³ *Ibid.*, document A/6102/Rev.1, para. 17.

session did not differ greatly from the information given in the Secretary-General's report of last year,⁴ showing typical costs of education for 1964/1965.

8. The Advisory Committee therefore cannot see sufficient justification for increasing the maximum grant of \$700 approved by the General Assembly at its twentieth session. Rather than deal with the problem of the education grant on a piecemeal basis, the Committee would reiterate its belief that any further increase would be premature until ICSAB has submitted its over-all study, as outlined in paragraph 2 above. Accordingly, the Committee is not in a position for the time being to make an affirmative recommendation in response to the Secretary-General's proposal for an additional credit of \$34,400 for this purpose in 1967.

II. INTERPRETATION OF STAFF REGULATION 3.3: STAFF ASSESSMENT PLAN

9. This staff regulation provides the Secretary-General with the authority to refund to staff members the amount of staff assessment collected "where a staff member is subject both to staff assessment under this plan and to national income taxation in respect of the salaries and emoluments paid to him by the United Nations". Such payments "shall be charged to the Tax Equalization Fund".

10. In his report to the General Assembly at its twenty-first session (A/6491, part II) the Secretary-General draws the attention of the General Assembly to a problem raised by the statutory extension in 1960, to all Secretariat staff of United States nationality serving within the United States, of the old age, survivors and disability insurance system of the Federal Government. Since the employer's portion of the tax cannot be assessed against the United Nations, staff of United States nationality are taxed at the self-employed rate, which is 50 per cent higher than the rate which applies to United States employees of "domestic" employers.

11. The Secretary-General therefore proposes to refund to those staff members required to pay the United States social security tax the differences between the total amount of that tax and the amount they would have paid as employees of a domestic employer. The same procedure and arrangement in existence for the reimbursement of the United States federal, state and local income taxes would apply to the social security taxes in respect of 1966 and subsequent years. The amounts refunded for this purpose would be charged to the sub-account standing to the credit of the Government of the United States in the Tax Equalization Fund.

12. The Advisory Committee has no objection to the Secretary-General's interpretation of staff regulation 3.3 in this regard, which he believes deals equitably with the staff concerned, and which avoids any charge on the budget of the Organization. The Committee understands that the Secretary-General would report to the General Assembly if, after a period of experience, it appeared that any amendment to staff regulation 3.3 (e) and (f) might be desirable.

III. HEALTH INSURANCE

13. Under the terms of General Assembly resolution 1095 (XI) of 27 February 1957, the Organization

pays a share of the premium for health insurance for staff members, calculated to meet one half of the over-all cost of the scheme with provisions for greater support to lower paid staff and staff with dependants. Participation by the staff is on a voluntary basis. The present insurance coverage ceases automatically when a staff member retires or when he is separated on account of disability.

14. In part III of his report (A/6491) to the General Assembly the Secretary-General proposes to extend the existing health insurance schemes covering United Nations staff and their dependants by providing, at the request of the staff member, the same coverage upon retirement or separation due to disability. The proposal would also apply to former staff members now retired. The proposed arrangements do not call for an automatic extension, since ten years' contributory participation in the plan would be required for retired employees and three contributory years in the case of disability. Coverage would be available only to those staff members in receipt of periodic benefits from the United Nations Joint Staff Pension Fund. The arrangements are optional and are based on the cost-sharing principle formulated in Assembly resolution 1095 (XI). Those staff members who opt for the extended coverage would pay premium rates calculated against the actual periodic benefits received from the Joint Staff Pension Fund. The Secretary-General reports that the extension of the health insurance scheme would require an estimated additional amount of \$20,000 as a charge against the regular budget for 1967.

15. In its sixteenth report to the General Assembly at its twentieth session the Advisory Committee drew attention to the existence of the group insurance plan of World Health Organization (WHO), which provided coverage for retired staff, and to the fact that a number of agencies were in the process of providing similar coverage.⁵ During its review of the proposed arrangements, the Committee ascertained that four agencies provided after-service protection and that two other agencies were studying the matter. WHO has already had considerable experience with coverage for retired employees. The Governing Body of the International Labour Organisation (ILO), at its 162nd session, adopted a proposal that the ILO should share the cost of insuring retired officials and their dependants as from 1 January 1966.

16. The Advisory Committee is aware of the motives that prompted these organizations and the United Nations to suggest the extension of health insurance coverage to retired officials. In a number of cases, retired staff members either find insufficient health protection in their country on retirement, or are ineligible for such coverage, and find it necessary to have recourse to high premium commercial health insurance at a time when their income is substantially reduced.

17. The Advisory Committee is cognizant of the fact that there are variations in national practices among Member States. A study conducted by the ILO covering thirty countries revealed many examples of comprehensive programmes of medical care financed on a cost-sharing basis by the Government concerned and the individuals. There are also a number of countries which provide full medical coverage to all their nationals, including retired civil servants. It is aware, therefore, that there are staff members who will be able to obtain complete medical coverage upon retire-

⁴ *Ibid.*, document A/6037.

⁵ *Ibid.*, Annexes, agenda item 82, document A/6122, para. 51.

ment, either at no cost or at only nominal cost. On the other hand, there will be an increasing number of officials who upon retirement will face substantial medical costs. It is the understanding of the Committee that the proposed arrangements will provide all staff members, if they so choose, with health insurance coverage in their country of retirement.

18. In noting that the costs for 1967 are estimated at \$20,000, the Advisory Committee ascertained that a projection of these costs over the next three years indicated a possible increase by some \$5,000 per year. The estimates are based on experience gained by those agencies which already provide such coverage and on replies to questionnaires sent to 559 recipients of retirement, disability or survivors' benefits.

19. While the Advisory Committee realizes that the estimated costs of the extension of the scheme, if kept at the level projected for the next four years, are modest, it would wish to draw attention to one other aspect of the subject, that of co-ordination among the family of United Nations organizations. In this connexion, the Committee would reiterate the position it outlined on this matter in its 1965 report on administrative and budgetary co-ordination to the effect that, *inter alia*, "the subject is of sufficient importance to the organi-

zations and their staffs to warrant further review and examination by an expert in the agency group under the auspices of ACC".⁶

20. In agreeing to the proposals of the Secretary-General for an extension of the present health insurance plan, the Advisory Committee suggests that ACC, with the assistance of ICSAB, may wish to devote attention to a review of the existing and proposed arrangements for health insurance of retired staff within the general context of the common system.

21. Should the General Assembly approve the Secretary-General's proposal, he would undertake to meet the additional expenditure of \$20,000 in 1967 from the appropriations already requested under section 4 (Common staff costs) of the budget.

IV. AMENDMENTS TO THE STAFF RULES

22. In accordance with staff regulation 12.2, the Secretary-General in part IV of his report (A/6491) informs the General Assembly of the amendments he has made to the Staff Rules from 1 September 1965 to 31 August 1966. The Advisory Committee has no particular observations to make on these amendments.

⁶ *Ibid.*

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DOCUMENT A/6605*

Report of the Fifth Committee

[Original text: English]
[16 December 1966]

(a) COMPOSITION OF THE SECRETARIAT

1. The Fifth Committee considered the sub-item on the composition of the Secretariat at its 1151st to 1156th, 1158th and 1159th meetings, held between 21 November and 2 December 1966.

2. The Committee had before it the report of the Secretary-General on the composition of the Secretariat (A/6487) and the customary annual report listing all staff members by organizational unit, title, nationality and level (A/C.5/L.872 and Add.1).

Report of the Secretary-General

3. In his report on the composition of the Secretariat, the Secretary-General reviewed the progress made during the year 1 September 1965 to 31 August 1966 in the recruitment of staff on as wide a geographical basis as possible. The number of nationalities in the Secretariat had grown from 107 to 112, including 108 of Member States and 4 of non-member States which were members of certain subsidiary organs of the United Nations. In terms of regional distribution of the staff, all but one of the seven regions established for the purpose of recruitment policy had come within reasonable proximity of their desirable ranges, which were determined under the principles laid down in General Assembly resolution 1852 (XVII) of 19 December 1962. Even in the region which was still below its range (Eastern Europe), there had been a marked advance in the number of staff members from several countries. At the senior levels of the staff, however, all regions had a rather more balanced participation,

resulting from the continuing efforts towards selective recruitment from "under-represented" regions.

4. In so far as the composition of the staff by type of appointment was concerned, the Secretary-General reported that the prevailing conditions of recruitment had brought about a slight increase in the proportion of staff on fixed-term appointments. At the end of the year under review, that proportion was 29.7 per cent, as against 28.1 a year earlier. Two significant developments were, however, beginning to offset the wastage inherent in short-term service: first, a progressive lengthening of the initial term of appointment and a greater acceptance of extensions for additional terms, and secondly, a decrease both in the number and proportion of resignations among staff holding fixed-term appointments. In this connexion, the Secretary-General reiterated his belief that he had no reason to change the provisional target of 25 per cent which he had suggested as a desirable proportion of staff on fixed-term appointments for the immediate future.

5. Recalling that the system of desirable ranges of posts allocated for each country and region had now been in operation for almost four years, the Secretary-General indicated his intention to review certain aspects of the system in his report for the twenty-second session of the General Assembly.

Discussion

6. During the debate on the Secretary-General's report, it was generally recognized that the report reflected creditable advances towards achieving the objectives set out in General Assembly resolution 1852

* Incorporating document A/6605/Corr.1.

(XVII). A number of representatives suggested that, in view of the results already achieved, the Secretary-General should be relied upon to complete successfully the task in which he was making substantial progress. Other representatives expressed the view that, while improvements in the composition of the Secretariat had clearly taken place, much remained to be done. The work of the Secretary-General in this regard would be facilitated if the General Assembly, in the discharge of its responsibility to establish regulations for the appointment of the staff, gave it the desired direction.

7. Much of the discussion centred on the following issues:

(a) Greater use of fixed-term appointments as a means of accelerating the participation of nationals from inadequately represented countries and in particular developing countries in the Secretariat;

(b) Introduction of a linguistic factor into the guidelines for recruitment policy in order to ensure a better balance between the working languages of the Organization;

(c) Refinement of the system of desirable ranges of posts by the addition of a qualitative factor to take account not only of the number of posts allocated for each country but also of the levels of the posts.

(a) Appointment policy

8. In favouring greater use of fixed-term appointments, several representatives emphasized that such a measure was dictated by existing circumstances which were temporary in nature. An appreciable number of developing countries remained inadequately "represented" on the staff of the Secretariat. Furthermore, some of these countries continued to experience difficulty in releasing their nationals for indefinite service with the United Nations. An increase in the number of appointments granted on a fixed-term basis might therefore contribute towards correcting the imbalances that persisted in the composition of the Secretariat.

9. While supporting such an increase as a temporary measure, a number of representatives reiterated their view that permanent appointments impeded progress towards a Secretariat fully international both in composition and outlook and were inconsistent with efficient operation. Noting that fixed-term appointments were already being granted for longer periods than in previous years, they suggested that appointments of this type be granted for five or even ten years, and thus come closer to permanent appointments without however involving life-long service, which at present must be regarded as a barrier to the influx of fresh talent and ideas.

10. In the view of other representatives, fixed-term appointments had their place in the Secretariat, whether for the execution of certain programmes or to provide "representation" for developing countries. There were, however, compelling considerations of independence, experience and continuity which required that the Secretariat should consist largely of persons appointed on a permanent basis.

11. The representative of the Secretary-General observed in this connexion that the present proportion of staff holding fixed-term appointments (29.7 per cent) tended to obscure the day-to-day processes of recruitment. Since the new system of desirable ranges had been introduced, the annual percentage of fixed-term appointments had ranged from 83.5 per cent in 1963

to 67.1 per cent in 1966. That showed how rarely career appointments had been offered in the past four years of concentrated efforts to improve the composition of the Secretariat. Moreover, for the level D-1 and above, every one of the forty-two appointments made in that period had been on a fixed-term basis.

(b) Linguistic requirements

12. Several representatives expressed concern at the apparent differentiation practised by the Secretariat in its recruitment policy as between French-speaking and English-speaking candidates. French-speaking candidates were often rejected on the ground that they did not have sufficient knowledge of English, but a knowledge of French was not a requirement for English-speaking candidates. In addition, although French was a working language of the Organization, French-speaking staff members were judged on the quality of their work in another language. Palliatives such as accelerated English courses merely illustrated the discrimination against the French language in the Secretariat. It was therefore time for the Secretariat to improve its recruitment practices so as to reflect more accurately the various cultures of the present membership of the United Nations. A study should accordingly be made of the problems involved, with a view to satisfying the legitimate desire of Member States for adequate representation and simultaneously ensuring the continued efficiency of the Secretariat.

13. A number of representatives voiced misgivings at the introduction of the language element into the discussion of recruitment policy. By raising the matter in the form of a contest between French-speaking and English-speaking countries in Africa, the cause of African unity might be affected since the issue could accentuate the division of the continent along linguistic lines. At the same time, it was recognized that French-speaking countries in Africa had grounds for complaining about their "under-representation" in the Secretariat. It was suggested, however, that such claims could be met under existing guidelines.

14. In his comments on this question, the representative of the Secretary-General explained that in the recruitment of candidates for service in the Secretariat preference was given to those who could work easily in both English and French. Present circumstances of supply and demand made it, however, impracticable to regard bilinguality as an absolute minimum requirement, especially in certain professional occupations where there was a world shortage of qualified personnel. It was also necessary to decide, within the context of the work to be undertaken, which of the two languages was preferable. In this respect, it was relevant to bear in mind that documentation in English was requested by the Governments of most Member States. Account must also be taken of the fact that many candidates came from non-English and non-French-speaking countries and could therefore not be expected to have, in addition to their mother tongue, a good knowledge of more than one of the working languages of the Organization. It was in recognition of those facts that training programmes were provided in the Secretariat so that most if not all staff members might become bilingual.

15. The issue of linguistic requirements was discussed further in the context of draft resolution A/C.5/L.883 and Corr.1 and Add.1, the first preambular paragraph of which referred to rule 51 of the rules of procedure of the General Assembly. The representa-

tive of the Secretary-General drew attention to the fact that under existing provisions the working languages of the United Nations were English and French, with the exception of the General Assembly and the Economic and Social Council, whose working languages were English, French and Spanish. He therefore wished to have a clarification as to whether the intent of the draft resolution was to cover all three languages specified in the rule. The sponsors of the draft resolution explained that its purpose was to ensure that the rule, under which English, French and Spanish were laid down as "the working languages", was applied in the day-to-day work of the Organization. It was not their intention to establish a hierarchy among those languages.

16. Several representatives observed that any restrictive interpretation of the term "working languages" would, in their view, not be consistent with the provisions of General Assembly resolution 247 (III) and rule 51 of the rules of procedure of the General Assembly. They indicated that they would support the draft resolution on the understanding, as explained by the sponsors, that the proposal referred to the use of the three languages, namely, English, French and Spanish.

(c) *Review of the desirable ranges*

17. The disparity in the distribution of the staff occupying senior posts in the Secretariat and, more particularly, the "over-representation" of a few countries within an otherwise adequately "represented" region, were the subject of considerable debate. Some representatives noted that the present system, under which the desirable ranges of posts were established on a numerical basis without taking into account the level of the posts, produced a misleading picture. It was clearly unreasonable to equate posts involving duties and responsibilities of a policy-making nature with those at the junior levels. Among the modifications that might be considered, it was suggested that a senior post should count as the equivalent of one or more professional posts. Another suggestion was to allot points for each level, starting with one point for a P-1 and rising to six or seven points for an Under-Secretary as for a P-4. Underlying all these proposals was the belief that if equitable geographical distribution was to be achieved, the system of determining desirable ranges of posts for individual countries should be reviewed so as to take into account both the number and the level of posts.

18. Several representatives questioned the usefulness and desirability of undertaking such a review. The task of the Secretary-General could only be made more difficult if a new element of rigidity were introduced into the system of desirable ranges.

19. The representative of the Secretary-General recalled that the possibility of a "points system" in recruitment had been examined in 1962 and the conclusion had then been reached that there was no advantage in introducing that further complication. The situation had not changed appreciably in the interval. The fact was that, despite the difficulties arising from the availability of a rather limited number of senior posts, a somewhat better balance had been produced in the composition of the staff at the higher levels than for the total range of professional posts by the use of the Secretary-General's discretion. This did not, however, prevent a further examination of a points system on the occasion of the review of the desirable

ranges to be undertaken before the twenty-second session.

Proposals and amendments

20. At the 1152nd meeting, Cameroon, Hungary and Iran submitted a draft resolution (A/C.5/L.879), which read as follows:

"The General Assembly,

"*Bearing in mind* the considerable changes which have occurred in the membership of the United Nations and the specialized agencies,

"*Recalling* the provisions of the Charter which require, in order to give the Secretariat a genuinely international character, that 'due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible',

"*Noting with satisfaction* the efforts already made by the Secretary-General to improve the geographical distribution of posts in the Secretariat,

"*Considering* nevertheless that arrangements should be made to ensure an even more equitable distribution of posts,

"*Recognizing* the need for a large proportion of permanent contracts to ensure the stability and efficient operation of the Secretariat,

"1. *Believes* that, for some time at least, increased recruitment on the basis of fixed-term contracts might help to achieve a balanced geographical distribution;

"2. *Invites* the Secretary-General, in existing conditions and until an equitable geographical representation has been finally achieved, not to recruit solely on the basis of permanent contracts for posts hitherto filled exclusively by such contracts and, in cases where a permanent contract has to be retained for a vacant post, to give preference to candidates from inadequately represented countries;

"3. *Invites* the Secretary-General to draw the attention of the competent authorities of the specialized agencies to this problem at a forthcoming session of the Administrative Committee on Co-ordination;

"4. *Requests* the Secretary-General to take the present resolution into account in his future reports on the composition of the Secretariat staff."

21. A revision of the three-Power draft resolution (A/C.5/L.879/Rev.1) was submitted at the 1155th meeting. In the revised text, the sponsors:

(a) Replaced the second preambular paragraph by the following two paragraphs:

"*Recalling* the provisions of Articles 100 and 101 of the Charter of the United Nations,

"*Recalling further* General Assembly resolution 1928 (XVIII) of 11 December 1963 on this question";

(b) Added at the end of the third preambular paragraph the words: "and mentioned in his report on the composition of the Secretariat (A/6487)";

(c) Added at the end of the fifth preambular paragraph the words: "and noting the statement of the Secretary-General in paragraph 14 of his report";

(d) Replaced operative paragraphs 1 and 2 by the following:

"1. *Believes* that, as a temporary measure, increased recruitment on the basis of fixed-term contracts, especially in the case of developing countries,

might help to achieve a balanced geographical distribution;

"2. *Invites* the Secretary-General, in existing conditions and in order to achieve equitable geographical representation, not to recruit solely on the basis of permanent contracts for posts hitherto filled by staff members having such contracts, and to give preference to candidates from inadequately represented countries;"

(e) Inserted, in operative paragraph 3, the words: "in his capacity as Chairman of the Administrative Committee on Co-ordination", after the words "the Secretary-General".

22. At the same meeting, Japan, Jordan, Nigeria, Pakistan, Sudan, Syria and Turkey submitted the following amendments (A/C.5/L.881) to the three-Power draft resolution:

(a) To insert the following as fourth preambular paragraph:

"*Noting* that in the determination of the recruitment priorities, the Secretary-General bears in mind the need for a more equitable distribution of staff amongst the Member States within the various regions, in particular at the levels of senior posts;"

(b) To insert the following as operative paragraph 3:

"3. *Recommends* to the Secretary-General to consider devising a system whereby he could take into account the level of appointment along with the number of posts in the determination of desirable ranges of posts for individual countries and to report to the twenty-second session of the General Assembly on this subject;"

(c) To renumber the existing operative paragraphs accordingly.

23. A further amendment (A/C.5/L.882) to the three-Power draft resolution was submitted by Congo (Democratic Republic of), France and Senegal, and was subsequently revised (A/C.5/L.882/Rev.1) so as to add the following after operative paragraph 4: "Further requests the Secretary-General to undertake a study of the methods which should be used to ensure a more equitable use of the working languages of the Organization and a better balance among those languages in the recruitment of staff at all levels, and in particular at the higher levels, of the Secretariat, and to include his conclusions on this question in his future reports."

24. At the 1156th meeting, the sponsors of the draft resolution, together with Afghanistan, submitted a second revision (A/C.5/L.879/Rev.2), which contained the following changes:

(a) In operative paragraph 1, the words "and under existing conditions" were inserted after the words "as a temporary measure";

(b) Operative paragraph 2 was replaced by the following text:

"2. *Invites* the Secretary-General to give preference to candidates from inadequately represented countries;"

(c) In operative paragraph 3, the word "further" was added after the word "*Invites*".

25. At the same meeting, the representative of Bulgaria requested the sponsors of draft resolution A/C.5/L.879/Rev.2 either to delete the last preambular paragraph, which recognized the need for a large pro-

portion of permanent contracts, or to replace it by the first sentence of Article 101, paragraph 3, of the Charter, or else to replace the words "permanent contracts" in that paragraph by the words "fixed-term contracts with longer duration" or by the words "semi-permanent contracts", those two expressions being equivalent. If the sponsors could accept none of those suggestions, he would introduce a formal amendment to insert the words "and semi-permanent" after the word "permanent".

26. At the 1158th meeting, the sponsors of the amendments (A/C.5/L.881) to the draft resolution submitted a revised text (A/C.5/L.881/Rev.1) under which the proposed new operative paragraph 3 would read as follows:

"3. *Requests* the Secretary-General to study the question of determining the desirable ranges of posts for individual countries, taking into account the level of appointment together with the number of posts;"

27. At the same meeting, the sponsors of amendment A/C.5/L.882/Rev.1, which had not been incorporated in the second revision of the draft resolution (A/C.5/L.879/Rev.2), replaced that amendment by a separate draft resolution. The text of the new draft resolution, which was initially sponsored by Belgium, Congo (Democratic Republic of), France, Ivory Coast, Mali, Niger, Rwanda, Senegal and Togo (A/AC.5/L.883 and Corr.1), and subsequently also by Argentina, Dahomey, Guatemala, Mauritania and Mexico (A/C.5/L.883/Add.1) read as follows:

"*The General Assembly,*

"*Bearing in mind* rule 51 of the rules of procedure of the General Assembly,

"*Noting* the statement by the Secretary-General in paragraph 3 of his report on the composition of the Secretariat (A/6487),

"*Recognizing* the limitations in regard to the recruitment of staff which result from language considerations,

"*Requests* the Secretary-General to study the methods which should be used to ensure a more equitable use of the working languages of the Organization and a better balance among those languages in the recruitment of staff at all levels, and in particular at the higher levels, of the Secretariat, and to include his conclusions on this question in his future reports."

28. At the 1159th meeting, Kenya, Nepal, Uganda, and the United Republic of Tanzania requested that they be included in the list of sponsors of the amendments (A/C.5/L.881/Rev.1) to draft resolution A/C.5/L.879/Rev.2.

29. At the same meeting, the Central African Republic, Chile, Colombia, Ecuador, El Salvador, Haiti and Madagascar requested that they be included in the list of sponsors of draft resolution A/C.5/L.883 and Corr.1 and Add.1.

Voting

30. At the 1159th meeting, before the Committee proceeded to vote on the draft resolutions and amendments, the representative of Poland requested that the sixth preambular paragraph of draft resolution A/C.5/L.879/Rev.2 be voted upon separately.

31. At the same meeting, following a procedural debate, in the course of which one representative requested—but later withdrew his request—that the

Bulgarian amendment (see *para.* 25 above) first be submitted in writing, the Committee voted as follows:

(a) The first amendment in document A/C.5/L.881/Rev.1—to insert a new fourth preambular paragraph in draft resolution A/C.5/L.879/Rev.2—was adopted by 82 votes to 2, with 15 abstentions.

(b) The second amendment in document A/C.5/L.881/Rev.1—to insert a new operative paragraph 3 in draft resolution A/C.5/L.879/Rev.2—was adopted by 79 votes to 2, with 19 abstentions.

(c) An oral amendment proposed by the representative of Bulgaria—to insert the words “and semi-permanent” after the word “permanent” in the sixth preambular paragraph of draft resolution A/C.5/L.879/Rev.2—was adopted by 49 votes to 23, with 25 abstentions.

(d) The representative of Poland then withdrew his request for a separate vote on the sixth preambular paragraph of draft resolution A/C.5/L.879/Rev.2.

(e) Draft resolution A/C.5/L.879/Rev.2, as amended, was adopted by 84 votes to 2, with 14 abstentions (see paragraph 36 below).

(f) Draft resolution A/C.5/L.883 and Corr.1 and Add.1 was adopted by a roll-call vote of 75 to none, with 30 abstentions (see paragraph 36 below). The voting was as follows:

In favour: Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Lebanon, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Niger, Pakistan, Panama, Paraguay, Peru, Poland, Romania, Rwanda, Senegal, Sierra Leone, Spain, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against: None.

Abstaining: Afghanistan, Australia, Denmark, Finland, Iceland, Indonesia, Iraq, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Malaysia, Netherlands, New Zealand, Nigeria, Norway, Philippines, Saudi Arabia, Sudan, Sweden, Syria, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Yemen, Zambia.

(b) OTHER PERSONNEL QUESTIONS

32. In his report on this item (A/6491), the Secretary-General made the following proposals:

(a) On the recommendation of the International Civil Service Advisory Board as endorsed by the Administrative Committee on Co-ordination, to increase, as an interim measure pending completion of the Board's review of the education grant, the maximum of the grant to be raised from \$700 to \$800 per scholastic year for each child.

(b) In interpretation of staff regulation 3.3 (e) and (f), to include in the amount of the refund of staff assessment paid by United States staff members in

respect of their official income the difference between the amount of the social security tax which they were required to pay as employees of the United Nations and the amount they would have paid as employees of a taxable employer. This procedure, to become effective 1 January 1967, would cover reimbursements in respect of 1966 and subsequent years. The cost of the reimbursement would, with the concurrence of the United States Government, be charged against the sub-account standing to the credit of that Government in the Tax Equalization Fund.

(c) With effect from 1 January 1967, to make available to retired staff members or their survivors health insurance under the schemes established by the United Nations for its staff. Extension of the insurance would be subject to certain conditions of eligibility and to the basic principles governing the operation of the health insurance schemes.

33. In part IV of his report, the Secretary-General, pursuant to staff regulation 12.2, informed the General Assembly of the amendments he had made to the Staff Rules from 1 September 1965 to 31 August 1966.

34. The Advisory Committee on Administrative and Budgetary Questions, in its report on these questions (A/6521), recommended as follows:

(a) In the absence of adequate evidence to justify an interim increase in the education grant, it was not in a position for the time being to make an affirmative recommendation on the Secretary-General's proposal.

(b) It had no objection to the Secretary-General's interpretation of staff regulation 3.3 in respect of partial refunds to staff members required to pay the United States social security tax.

(c) It agreed to the proposals of the Secretary-General for an extension of the health insurance scheme to cover retired officials or survivors.

DECISION OF THE FIFTH COMMITTEE

35. At its 1155th meeting, the Fifth Committee, without objection, adopted the following recommendation for inclusion in its report to the General Assembly:

(a) The Secretary-General should be allowed to proceed, within the framework of the authority conferred on him by staff regulation 3.3 (e) and (f), to reimburse United Nations staff members of United States nationality the difference between the amount of the social security tax each staff member was required to pay as a United Nations employee and the amount he would have paid as an employee of a taxable employer, that procedure to become effective 1 January 1967 to cover reimbursements in respect of 1966 and subsequent years. Reimbursements would be met by drawing on the sub-account standing to the credit of the United States Government in the Tax Equalization Fund.

(b) The General Assembly should approve the proposals made by the Secretary-General relating to extension of health insurance coverage for retiring or disabled staff members and dependants as contained in paragraphs 18 to 20 of document A/6491.

(c) The General Assembly should take note of the amendments made to the Staff Rules during the period 1 September 1965 to 31 August 1966.

Recommendations of the Fifth Committee

36. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

COMPOSITION OF THE SECRETARIAT

A

The General Assembly,

Bearing in mind the considerable changes which have occurred in the membership of the United Nations and the specialized agencies,

Recalling the provisions of Articles 100 and 101 of the Charter of the United Nations,

Recalling further its resolution 1928 (XVIII) of 11 December 1963 on this question,

Noting that in the determination of the recruitment priorities the Secretary-General bears in mind 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,

Noting with satisfaction the efforts already made by the Secretary-General to improve the geographical distribution of posts in the Secretariat and mentioned in his report on the composition of the Secretariat (A/6487),

Considering nevertheless that arrangements should be made to ensure an even more equitable distribution of posts,

Recognizing the need for a large proportion of permanent and semi-permanent contracts to ensure the stability and efficient operation of the Secretariat and noting the statement of the Secretary-General in paragraph 14 of his report,

1. *Believes* that, as a temporary measure and under the existing conditions, increased recruitment on the basis of fixed-term contracts, especially in the case of developing countries, might help to achieve a balanced geographical distribution;

2. *Invites* the Secretary-General to give preference to candidates from inadequately represented countries;

3. *Requests* the Secretary-General to study the question of determining the desirable ranges of posts for individual countries, taking into account the level of appointment together with the number of posts;

4. *Further invites* the Secretary-General, in his capacity as Chairman of the Administrative Committee on Co-ordination, to draw the attention of the competent authorities of the specialized agencies to this problem at a forthcoming session of that Committee;

5. *Requests* the Secretary-General to take the present resolution into account in his future reports on the composition of the Secretariat staff.

B

The General Assembly,

Bearing in mind rule 51 of the rules of procedure of the General Assembly,

Noting the statement by the Secretary-General in paragraph 3 of his report on the composition of the Secretariat (A/6487),

Recognizing the limitations in regard to the recruitment of staff which result from language considerations,

Requests the Secretary-General to study the methods which should be used to ensure a more equitable use of the working languages of the Organization and a better balance among those languages in the recruitment of staff at all levels, and in particular at the higher levels, of the Secretariat, and to include his conclusions on this question in his future reports.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1501st plenary meeting, on 20 December 1966, the General Assembly adopted unanimously draft resolution A submitted by the Fifth Committee (A/6605, para. 36), as orally amended.

At the same meeting, the General Assembly adopted draft resolution B submitted by the Fifth Committee (A/6605, para. 36), by 102 votes to none, with 8 abstentions.

For the final text of these resolutions, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2241 A (XXI) and 2241 B (XXI).

At the same meeting, the General Assembly took note of the decision of the Fifth Committee contained in paragraph 35 of its report (A/6605).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 81 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6301and Corr.1	Annual report of the Secretary-General on the work of the Organization (16 June 1965-15 June 1966)	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 1</i>
A/6305	Budget estimates for the financial year 1967 and information annexes	<i>Ibid.</i> , Supplement No. 5
A/6307	Report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , Supplement No. 7

Document No.	Title or description	Observations and references
A/6343	Second report of the <i>Ad Hoc</i> Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies	<i>Ibid.</i> , Twenty-first Session, Annexes, agenda item 80
A/6400	Letter dated 1 September 1966 from the Secretary-General to all Permanent Representatives to the United Nations	<i>Ibid.</i> , agenda item 18
A/C.5/1062	Accommodation at Headquarters: report of the Secretary-General	<i>Ibid.</i> , agenda item 74
A/C.5/L.872 and Add.1	Staff of the United Nations Secretariat as at 31 August 1966: report of the Secretary-General	Mimeographed
A/C.5/L.879	Cameroon, Hungary and Iran: draft resolution	See A/6605, para. 20
A/C.5/L.879/Rev.1	Cameroon, Hungary and Iran: revised draft resolution	<i>Ibid.</i> , para. 21
A/C.5/L.879/Rev.2	Afghanistan, Cameroon, Hungary and Iran: revised draft resolution	<i>Ibid.</i> , para. 24
A/C.5/L.881	Japan, Jordan, Nigeria, Pakistan, Sudan, Syria and Turkey: amendments to document A/C.5/L.879/Rev.1	<i>Ibid.</i> , para. 22
A/C.5/L.881/Rev.1	Japan, Jordan, Kenya, Nepal, Nigeria, Pakistan, Sudan, Syria, Turkey, Uganda and United Republic of Tanzania; amendments to document A/C.5/L.879/Rev.2	<i>Ibid.</i> , paras. 26 and 28
A/C.5/L.882	Congo (Democratic Republic of), France and Senegal: amendment to document A/C.5/L.879/Rev.1	Replaced by A/C.5/L.882/Rev.1
A/C.5/L.882/Rev.1	Congo (Democratic Republic of), France and Senegal: amendment to document A/C.5/L.879/Rev.1	See A/6605, para. 23
A/C.5/L.883 and Corr.1 and Add.1	Argentina, Belgium, Central African Republic, Chile, Colombia, Congo (Democratic Republic of), Dahomey, Ecuador, El Salvador, France, Guatemala, Haiti, Ivory Coast, Madagascar, Mali, Mauritania, Mexico, Niger, Rwanda, Senegal and Togo: draft resolution	<i>Ibid.</i> , paras. 27 and 29
A/C.5/L.891	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1170th meeting, see A/6605



Agenda item 82:* Report of the United Nations Joint Staff Pension Board**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1163rd, 1164th and 1166th meetings; and *ibid., Plenary Meetings*, 1494th meeting.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 62), sixteenth session (agenda item 66), seventeenth session (agenda item 71), eighteenth session (agenda item 67), nineteenth session (annex No. 18), twentieth session (agenda item 85 and Corr.1).

Abbreviations

UNCTAD	United Nations Conference on Trade and Development
UNIDO	United Nations Industrial Development Organization

DOCUMENT A/6380

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[5 August 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the statements of assets and liabilities and of income and expenses of the United Nations Joint Staff Pension Fund for the period 1 October 1964 to 30 September 1965, and the related report of the Board of Auditors (see A/6308).

2. In paragraph 2 of the report of the Board of Auditors (A/6308, annex II) reference is again made to the late submission of the accounts by some of the member organizations, although certain results have been achieved. Given further improvement of this situation, and assuming that the International Computing Centre at Headquarters will soon be fully operative, the present six-month delay in closing the accounts should be obviated.

3. The Committee has noted in paragraph 3 of the report that the Board repeats its earlier observations concerning a reconciliation statement between the investments account of the Joint Staff Pension Fund and the summary statement of investments prepared by the Fiduciary Trust Company of New York.¹

4. In its report on this subject to the General Assembly at its twentieth session,² the Advisory Committee, in commenting on the report of the Board of Auditors, indicated that the Committee was aware that the statements referred to above served different purposes. It noted that it was the opinion of the United Nations Joint Staff Pension Board that no real advantage but, instead, unnecessary expense would result from an attempt to reconcile these statements. Taking this consideration into account, and on the basis of information available to it at that time, the Committee was inclined to agree that the present practice should be maintained.

5. However, as noted above, the Board of Auditors has reiterated its opinion that a reconciliation statement should be prepared. It indicated that, while it was not directly concerned with the cost of preparing such a statement, it was of the opinion that it would not prove too costly. The Committee discussed this matter with the Board of Auditors at some length and requested further supporting information concerning the

¹ See *Official Records of the General Assembly, Twentieth Session, Supplement No. 8*, para. 13.

² *Ibid., Twentieth Session, Annexes*, agenda item 85, document A/6108, para. 4.

discrepancies and minor clerical errors in the investment statements referred to in paragraph 13 of the annual report of the Pension Board.³ Although the Committee received some additional information as requested, it feels that the material provided is insufficient for it to arrive at a considered judgement on this technical matter.

6. In view of the fact that different views continue to be held by the Board of Auditors on the one side,

³ *Ibid.*, Twentieth Session, Supplement No. 8.

and the Pension Board and the Investments Committee on the other, both as regards the need for a reconciliation statement and the amount of work and expense involved, and in the light of the continuing concern expressed by the Board of Auditors, the Advisory Committee suggests that a determined joint effort be made to arrive at a satisfactory solution. It hopes that the work required to arrive at a solution will not result in undue extra expense.

DOCUMENT A/C.5/1078

Financial implications of the draft resolution recommended by the United Nations Joint Staff Pension Board in annex IV of document A/6308

Note by the Secretary-General

[Original text: English]
[4 November 1966]

1. In section II of the draft resolution contained in annex IV of the report of the United Nations Joint Staff Pension Board (A/6308), the Board proposes that certain amendments to the Regulations of the Pension Fund be approved by the General Assembly with effect from 1 January 1967.

2. The Board's proposals, which are described in detail in paragraphs 20 to 27 of its report, are designed to prevent an actuarial deficit in the Fund, which would require to be made good by deficiency payments by the Fund's member organizations under article XIX of the Regulations. These proposals call for:

(a) Abolition of the associate participation scheme for staff entering employment on or after 1 January 1967, with certain transitional arrangements to apply for not more than five years in respect of associate participants in the Fund on 31 December 1966;

(b) Entrance requirements for participation in the Fund as from 1 January 1967 to be based on appointments for one year or longer or on completion of one year of service; and

(c) Refunds to member organizations by the Fund of half of their contributions (14 per cent of pensionable remuneration) where a participant enters the fund on or after 1 January 1967 but withdraws within five years without qualifying for a death, disability or retirement benefit or being summarily dismissed.

3. In the event of the adoption by the General Assembly of the draft resolution proposed by the Board additional credits would be required for 1967 to cover the difference if the Organization had the responsibility to contribute 14 per cent, rather than 4.5 per cent, of pensionable remuneration for staff who will enter employment in 1967 on fixed-term contracts of at least one year but less than five years.

4. It is estimated that the additional credits required are in the amount of \$200,000 distributed by budget sections as follows:

Section	United States dollars
4. Common staff costs	174,000
16. Special missions	5,000

17. United Nations Field Service	3,000
18. United Nations High Commissioner for Refugees	8,000
20. United Nations Conference on Trade and Development	7,000
21. United Nations Industrial Development Organization	3,000
TOTAL	200,000

5. It will be appreciated that the above estimates have had to be based on a number of assumptions which include projections of the vacancies that will exist at the end of 1966 and those that will arise in 1967 as a result of the expiration of fixed-term appointments, the levels at which those vacancies will be filled, the proportion of newly employed staff who under the existing Regulations would have been associate participants but who under the proposed amendment will enter the Fund as full participants, on employment and the savings resulting from delayed recruitment. While the best forecast of additional requirements has been made for all offices, in the light of the foregoing some revision in the estimates may be required for certain of the overseas offices, particularly for newly established organizations such as UNCTAD and UNIDO where the staffing position has not yet fully crystallized.

6. As regards section 21, no provision has been made for additional costs attributable to the lump sum amount of \$750,000 requested by the Secretary-General for UNIDO⁴ for the employment of regular or short-term staff. The Secretary-General would hope that such additional costs as may arise in respect of contributions to the Pension Fund, could be met within the appropriations requested for the section as a whole.

7. With reference to paragraph 2, sub-paragraph (c), above, no provision has been made for possible refunds accruing to the Organization in 1967. Such refunds would in any event be minimal as they would relate only to the staff appointed in 1967 on contracts of at least one year, but less than five years and separated in the same year.

⁴ *Ibid.*, Twenty-first Session, Annexes, agenda item 41, document A/6481, para. 35, sub-paragraph (b).

DOCUMENT A/6537

Financial implications of the draft resolution recommended by the United Nations Joint Staff Pension Board in annex IV of document A/6308

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the annual report of the United Nations Joint Staff Pension Board (A/6308). The report contains, in addition to the usual statistical and financial information concerning the operation of the Fund during the year ended 30 September 1965 and the report of the Board of Auditors thereon, an account of the decisions taken by the Pension Board at its thirteenth session, held at Vienna from 18 to 29 July 1966. A draft resolution proposed for adoption by the General Assembly and the text of certain amendments to the Regulations of the Joint Staff Pension Fund are contained in annexes IV and V to the report. The report of the Consulting Actuary on the actuarial position of the Fund and the reports of the Expert Committee of Actuaries were also made available to the Advisory Committee.

2. In paragraphs 20 to 27 of its report, the Pension Board submits details of proposals designed to prevent an actuarial deficit in the Fund which otherwise might occur and have to be met by deficiency payments by the Fund's member organizations under article XIX of the Regulations. Accordingly, the Board proposes:

(a) Abolition of the associate participation scheme for staff entering employment on or after 1 January 1967, with certain transitional arrangements to apply for not more than five years in respect of associate participants in the Fund on 31 December 1966;

(b) Entrance requirements for participation in the Fund as from 1 January 1967 to be based on appointments for one year or longer or on completion of one year of service; and

(c) Refunds to member organizations by the Fund of half of their contributions (14 per cent of pensionable remuneration) where a participant becomes a participant in the Fund on or after 1 January 1967 but withdraws within five years without qualifying for a death, disability or retirement benefit or being summarily dismissed.

3. It will be recalled that the scheme of associate participation, introduced in 1958, was designed originally to provide death and disability (but not retirement) coverage for non-career staff employed under the extra-budgetary programmes of the United Nations and the specialized agencies with appointments of at least one year, but less than five years. No contribution was required from the staff member, and the organization contributed 4.5 per cent—against 14 per cent for full participation—of the official's pensionable remuneration. Employees who remained for five years, or whose appointments were extended to that period, became full participants. An associate participant becoming a full participant could "validate" his prior associate service by paying to the Fund the amounts he would have contributed, or 7 per cent, had he been a full participant from the beginning. Under these arrangements the organizations were required to pay into the Fund the difference between 4.5 per cent and 14 per cent of the pensionable remuneration.

4. The Advisory Committee has been informed that, whereas the scheme as originally conceived envisaged only a small number of associate participants passing from that status into full participation and consequently validating their prior service, experience has shown that a very considerable number are in fact doing so—with the result that the Fund has been and is incurring obligations towards them which are significantly in excess of the contributions paid. The Committee of Actuaries and the Pension Board, after a lengthy study concluded that measures must be taken to redress this situation and prevent further losses to the Fund, that could shortly lead to an actuarial imbalance with consequent deficiency payments becoming due from the member organizations.

5. The Advisory Committee notes from the statistics furnished by the Board that associate participants now number almost half (7,600) as many as the full participants (15,400) in the Fund (total of approximately 23,000) and would agree that the scheme appears to have evolved in a different way from what was originally intended. In many organizations associate participation, instead of being reserved for temporary and fixed-term staff, is treated as the normal initial status for career staff. The Advisory Committee, having considered the reports of the Pension Board, the Expert Committee of Actuaries and the Consulting Actuary, agreed that the recommendation of the Board for a merger of the two present classes of participants in the Fund would appear to be necessary. However, the Committee feels that some alternative measures considered by the Board might also have served to alleviate the financial strain on the Fund.

6. The Secretary-General, in his note (A/C.5/1078, paras. 3 and 4) on the financial implications of the Board's proposals, advises that their adoption by the General Assembly would require additional credits for 1967 in the amount of \$200,000, to cover the difference if the Organization had the responsibility to contribute 14 per cent, rather than 4.5 per cent, of pensionable remuneration for staff entering employment in 1967 on fixed-term contracts of at least one year but less than five years. The estimate is based on a number of assumptions, including projections of the vacancies that will exist at the end of 1966 and those that will arise in 1967 as a result of the expiration of fixed-term appointments, the levels at which those vacancies will be filled, the proportion of newly employed staff who will now enter the Fund as full participants, and the savings resulting from delayed recruitment. Certain adjustments in the estimates may therefore be necessary as regards some overseas offices and also such organizations as UNCTAD and UNIDO, where the staffing position has not yet fully crystallized. As regards the latter, which comes under section 21 of the budget, the Secretary-General hopes that such additional costs as may arise in respect of contributions to the Fund as a result of his request for \$750,000 for the employment of regular and short-term staff for 1967 could be met within the appropriations for that section as a whole.

Furthermore, no provision has been made for possible minimal refunds accruing to the United Nations in 1967, as they would relate only to those staff members appointed in 1967 on contracts of at least one year, but less than five years, and separated from the service in the same year.

7. On the basis of figures provided to the Board by the Consulting Actuary, it is estimated that under present employment conditions, additional costs for the first year, namely 1967, will be about \$1.1 million, spread over all the organizations, and after expiration of the transitional period a stabilized additional cost of about \$2.2 million in the sixth year, when the arrangement becomes fully effective. The Board has stressed that although these costs may appear high they are essential if deficiency payments at a later date are to be avoided.

8. The Advisory Committee has observed the special situation of the staff of the United Nations Relief and Works Agency for Palestine Refugees in the Near East described in paragraph 14, sub-paragraphs (f) (i) and (f) (ii), of the Board's report. These officials, some of whom have been in the employ of the Agency since 1951 and have been associate participants in the Pension Fund since 1961, continue to be excluded from full participation and are prevented from making their full periods of service pensionable for retirement purposes because the Agency lacks the resources to make the necessary contributions to the Pension Fund. The Advisory Committee appreciates the Board's legitimate concern for the financial soundness of the Fund and its reluctance to accept obligations for which inadequate payments would be made. It understands that negotiations are currently proceeding between the Agency, the United Nations and the Pension Board and would express the hope that a solution to this problem will be found.

9. The Advisory Committee has also noted, from paragraph 14, sub-paragraph (b), of the report of the Pension Board, that the United Nations Board of Auditors has reiterated the need to reconcile the statement of investments prepared by the Fiduciary Trust Company of New York, as custodian and executive agent in respect of the Fund's portfolio, with the one supplied by the Secretary-General for inclusion in the accounts of the Fund. While there remain differences of opinion as to the need of such a reconciliation, the Committee would refer to its report (A/6380), in which it commented on this subject and suggested that a determined joint effort be made to arrive at a satisfactory solution which would not require undue extra expense. The Advisory Committee has since been informed that consultations are taking place between the

Secretary-General and the Board of Auditors in the hope of reaching such a solution.

10. The Advisory Committee noted the conclusion of the Pension Board that the financial position of the Fund was sound, subject to modifications being made in the associate participation scheme as indicated above. The Board, which is concerned to improve the level of benefits of international staff wherever possible, does not consider, however, that the Fund's position yet warrants any further move in this direction. The Advisory Committee welcomes the Board's cautious approach and would recall its own observations on this subject, contained in its report to the General Assembly at its twentieth session,⁶ in which it stated that any further proposals for improvements in benefits should be carefully examined with a view to ensuring that they entailed no risk of additional charges upon the organizations, beyond the existing contribution of 14 per cent payable by the employing authorities. The Advisory Committee therefore endorses the Board's proposal that the system of adjustment of pensions and annuities in payment, as approved by the General Assembly in resolution 2122 (XX) of 21 December 1965, should be continued until 31 December 1969, subject to further review of its financial implications in 1968. The Committee is also prepared to endorse the Board's proposal to dispense, on the provisional basis recommended, with the practice of linking coverage for benefits to the medical condition of the participant on entry into the Fund, since experience has shown this restriction to be largely unnecessary.

11. Should the General Assembly approve the Board's proposals, adopt the draft resolution contained in annex IV to its report (A/6308) and concur in the consequential amendments to the Regulations of the Fund contained in annex V, the additional credit of \$200,000 required for 1967 would be distributed by budget section as follows:

Section	United States dollars
4. Common staff costs	174,000
16. Special missions	5,000
17. United Nations Field Service	3,000
18. United Nations High Commissioner for Refugees	8,000
20. United Nations Conference on Trade and Development	7,000
21. United Nations Industrial Development Or- ganization	3,000
	TOTAL 200,000

⁶ *Ibid.*, Twentieth Session, Annexes, agenda item 85, document A/6108, para. 5.

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DOCUMENT A/6589

Report of the Fifth Committee

[Original text: English]
[14 December 1966]

1. At its 1163rd and 1164th meetings, on 8 and 9 December 1966, the Fifth Committee considered the annual report (A/6308), submitted by the United Nations Joint Staff Pension Board to the General As-

sembly of the United Nations and to member organizations of the Fund. In connexion with this item the Committee also had before it two reports of the Advisory Committee on Administrative and Budgetary

Questions (A/6380 and A/6537) and a note by the Secretary-General (A/C.5/1078) on the financial implications of the draft resolution recommended by the Pension Board in annex IV to its report. The Chairman, in opening the discussion, drew attention to the estimated additional appropriation of \$200,000 for 1967 implied in the adoption of the draft resolution recommended by the Pension Board.

2. Introducing the two reports of the Advisory Committee, the Chairman of that Committee referred to the principal recommendation of the Board, which was the abolition of the present scheme of associate participation in the Fund and its replacement by a form of modified full participation, which would apply uniformly to all staff employed by the United Nations and the other member organizations. Experience over the eight years of its operation had shown the associate participation scheme to have become a serious and increasing drain on the finances of the Fund, which had reached a point at which it might soon produce an actuarial imbalance requiring to be made good by deficiency payments from the member organizations. The modifications recommended by the Board, one of several remedial measures which had been considered, was supported by the Advisory Committee, as were the further proposals related to medical classifications and continuation of the cost-of-living adjustments to pensions and annuities in payment. The need for the reconciliation of certain financial statements in the accounts of the Fund, referred to by the Board of Auditors, was a separate issue which was receiving attention from the Secretary-General and would be studied further by the Advisory Committee.

3. In the discussion which followed, some delegations questioned whether the financial consequences of the measures proposed justified their adoption and whether the possible alternatives to abolition of the associate participation scheme had been adequately considered. These delegations wished the matter to be postponed for further examination by the Board and subsequent report to the General Assembly at its twenty-second session. Some delegations drew attention to the fact that the alternative solution, providing for additional payments to be made only where associate participants

became full participants and either validated previous service or not, might be preferable because it would allow the costs to be kept down for those staff members who were genuinely intended to be, and in fact remained, in service only for a relatively short period. One delegation expressed the view that since the actuarial deficit had been attributed to the cost of validating prior non-pensionable service, a possible solution might have been to include in the validation payment the interest which the Fund would have earned thereon had it been paid in the form of contributions during the validated years. It was pointed out in reply by other delegations that the current shortfall in the contributions made on behalf of associate participants who validated their non-pensionable service was sufficiently serious to justify early corrective action, and that the various alternative courses open had been studied at considerable length, and with close attention to their financial implications, by both the Board and its expert actuarial advisers. It was emphasized by these delegations also that a high degree of budgetary and administrative co-ordination had been achieved in the area of pensions, and that joint recommendations made for action by the General Assembly on behalf of all the member organizations of the Fund could not be lightly disregarded.

4. At the request of the representative of the Union of Soviet Socialist Republics the Committee voted first on section II of the draft resolution submitted by the Pension Board (A/6308, annex IV), which was adopted by 62 votes to 10. The draft resolution as a whole was then adopted by 63 votes to none, with 10 abstentions.

Recommendation of the Fifth Committee

5. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS JOINT STAFF PENSION FUND

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1494th plenary meeting, on 15 December 1966, the General Assembly, by a vote of 78 to none, with 11 abstentions, adopted the draft resolution submitted by the Fifth Committee (A/6589, para. 5). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2191 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 82 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6308	Annual report of the United Nations Joint Staff Pension Board	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 8</i>
A/C.5/L.888	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1166th meeting, see A/6589



Agenda item 83:* 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>
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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Fifth Committee*, 1160th, 1161st and 1163rd meetings; and *ibid.*, *Plenary Meetings* 1488th meeting.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 61), sixteenth session (agenda item 67), seventeenth session (agenda item 72), eighteenth session (agenda item 68), nineteenth session (annex No. 19), twentieth session (agenda item 86).

DOCUMENT A/6507

Report of the Secretary-General

[*Original text: English*]
[11 November 1966]

1. In 1965 the Secretary-General informed Member States¹ that a solution had been found to the physical problems that had stood in the way of achieving a permanent site for the United Nations International School, a goal long sought by the General Assembly and the Board of Trustees of the School.

2. On the authorization of the General Assembly, by its resolution 2123 (XX), of 21 December 1965, the Secretary-General signed a lease with the City of New York for a 3-acre site on land to be created by filling in the site at 25th Street and Franklin D. Roosevelt Drive. The filling operation has begun and the architects have adjusted the design of the School to fit the new location.

3. As indicated in the report of the Board of Trustees contained in the annex to the present report, certain revisions in the plans have had to be made by the architects to maintain the budget within the generous grant of the Ford Foundation. The long period of fundraising and uncertainty concerning the site has of course had the unfortunate effect of increasing the cost of the building, as construction costs in the city have risen. However, it is still expected that a model school building can be constructed within the budget and that it will be open for classes in September 1968.

4. The most intractable problem connected with the future of the School appears to be the raising of the Development Fund of \$3 million to ensure the financial viability of the School. The Fund is necessary so that the School may provide more scholarships and bursaries for a greater number of United Nations children, and thus become in general a model international school

worthy of the United Nations and of the donors who have placed such great faith in it because of its potential effect on both national and international education. Such a fund would make it unnecessary for the United Nations to provide annual subsidies from its budget. Furthermore, part of the commitment made in accepting the Ford Foundation gift of \$7.5 million was that such a fund, in the amount of at least \$3 million, would be raised from governmental and non-governmental sources.

5. Early in 1966, the Secretary-General appointed a personal representative to work with the Board of Trustees in raising this fund. Unfortunately, as the Board's report shows, in spite of a series of appeals by the General Assembly, only 44 Governments have responded. This figure represents 13 Governments in addition to those which made pledges in 1965. The governmental pledges now stand at \$316,233, or little more than 10 per cent of the total Development Fund. Pledges from private individuals or non-governmental organizations now stand at \$698,380 owing to certain losses sustained during the year, as reported by the Board. Thus the total amount now pledged is only \$1,014,613, or one third of the minimum requirement.

6. The Secretary-General feels deeply committed to raising this Development Fund and suggests that one more effort should be made to obtain pledges from the remaining Members of the United Nations on a voluntary basis. If the minimum goal is not reached by August 1967, the Secretary-General will feel obliged to recommend other measures at the twenty-second session of the General Assembly.

7. Fortunately, the educational attainments of the School continue to be heartening in spite of the problems

¹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 86, document A/6079, para. 6.

of space and financing. The enrolment this year is 648 children of 74 nationalities. A higher proportion of the students are now in the secondary school, which increases both the complexity and the cost of the education given. Students in the graduating class of 1966—a completely international group of 27 students—have gone on to universities in 9 different countries, where they are doing very well. The Board has expressed its confidence that the School is developing into an institution which can realize the objective of providing a broad-based education for the children of United Nations parents. The Secretary-General has had occasion to state his personal conviction, as follows:

“The United Nations International School is an experiment in cultural understanding. It is quite possible that the students who face each other across a laboratory bench today may, in a few years’ time, face each other across an international conference table. The lessons they learn today are the foundations upon which a significant contribution to international co-operation may be made tomorrow.”

8. As the report of the Board shows, the tuition fees now would cover all the main operating costs of the School if full tuition could be charged for every child. However, the necessity of providing scholarships and bursaries means that the School continues to run at a deficit so long as its Development Fund is not large enough to produce additional revenue. For the year 1966-1967, the deficit is estimated at \$48,900. The Secretary-General hopes that the General Assembly will find it possible to make an appropriate grant to the International School Fund for 1967 to cover this operating deficit.

9. The Secretary-General also feels impelled to call to the special attention of the General Assembly paragraph 24 of the Board’s report concerning the hardships imposed on some members of the staff and on some members of delegations by the present level of fees. In this connexion, the Secretary-General welcomes the recommendation of the International Civil Service Advisory Board that the maximum of the education grant be raised on an interim basis to \$800 per child.² He would call attention, however, to the needs of children connected with the United Nations or with the delegations whose parents are not entitled to an education grant either from the United Nations or from their national Governments. The School would certainly gain in its international character if this problem could be solved through a more adequate scholarship programme.

10. In a series of resolutions, the General Assembly has authorized the Secretary-General to accept the grants of the Ford Foundation and the Rockefeller family, sign a lease with the City of New York and lend his good offices to the Board of Trustees in raising funds and in preparing plans so that the School may move into new premises at the beginning of the 1968-1969 academic year. Now is the time to finish this task and it is the Secretary-General’s earnest hope that Member Governments will respond in full measure at this critical juncture.

² See *International Civil Service Advisory Board: Report on the fourteenth session of the Board* (document ICSAB/XIV/1, dated 15 July 1966), para. 111.

ANNEX

Report of the Board of Trustees of the United Nations International School

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GENERAL

1. The Board of Trustees of the United Nations International School^a is pleased to present the following report on the School and its progress during the past year.

DEVELOPMENT OF THE SCHOOL IN 1966

2. Efforts were continued during 1966 to strengthen the international character of the School, broaden its programme of studies and enrich the experiences of the students. Closer links have been established between the United Nations and the School by greater use of the many instructive materials and by personal visits of permanent representatives to the School.

3. Special attention continues to be given to the teaching of languages. The ultimate aim is to make the School bilingual with English and French as the working languages, to teach the other official languages of the United Nations to those who want to study them, and, when needed, to provide instruction in a student’s mother tongue, if it is not one of the above-mentioned languages. An Assistant Director in charge of French studies has been appointed, Russian and Spanish are offered as optional additional languages within the curriculum, and classes are offered in Arabic, Chinese, Hebrew, Hindi, Sinhalese and Urdu to students whose mother tongue is one of those languages.

4. A broader range of optional subjects is being offered at the secondary level. This includes anthropology, government, philosophy, advanced and basic mathematics, music, art, Russian, Spanish, Latin and Greek. In the sciences, simple laboratory methods are being extended into the primary classes. A course in “earth sciences”, begun in Senior A and B, has lent itself well to a study of the United Nations agencies’ work in conserving the world’s natural resources. A new physics course has been introduced in Tutorial II. The results of the early and continued attention to scientific work are shown in the high scores in the University of Cambridge “Ordinary” level examination and the United States College Board achievement tests in biology and chemistry.

5. The students in the secondary classes are being brought into closer contact with the United Nations and its aims, objectives and activities. Groups of students visit the United Nations to follow debates on current issues; United Nations material and reports are used in classroom work; representatives of permanent missions to the United Nations have addressed school assemblies; a convocation was held to mark the twentieth anniversary of the United Nations; and the students have participated in United Nations assemblies organized at other schools in the New York area.

^a The composition of the Board is given in appendix I.

6. The students are also being introduced to the concept of service to individuals and the community. A voluntary collection was made for a multiracial school in Swaziland following a talk by the headmaster of that school. The students planned and organized a bazaar that raised \$400 for a foundation for mentally retarded children. A group of students went to a hospital in the Bronx to tidy up and repaint a hospital ward. Most recently, the students collected \$130 and 16 cartons of clothes for victims of the Turkish earthquake.

7. The training that the students receive and the experiences they acquire at the School gain added importance when it is realized that constantly many students go to different parts of the world to continue their studies and resume contacts in their own countries. Twenty-seven students who graduated this summer have gone to universities in Canada, England, India, Japan, Lebanon, Pakistan, Thailand, the United States of America and Yugoslavia. Approximately 95 additional students at different levels left during the year. Exposed as they were to a multinational and multilingual environment, they will no doubt have acquired an outlook which reflects the ideals and aims that the United Nations is striving for and which can affect the relationships which they establish in their own countries.

8. The 1966-1967 school year has started with 648 students, who can be classified as follows:

Children of United Nations staff members	351 (55 per cent)
Children of members of delegations ..	34 (5 per cent)
Children of personnel of consulates and other foreign services stationed in New York	63 (10 per cent)
Children of local United States families	200 (30 per cent)

9. The present student body represents 74 countries compared with 66 in 1965-1966. Almost 60 per cent of the students come from either North America, the United Kingdom, the Soviet Union, India, China or France. While every child of United Nations staff members or of members of delegations applying for admission has been accepted, the increase in enrolment of students from countries other than the above-mentioned has been below expectation. It is hoped that with additional resources available to the School in the future, there will be an appreciable increase of such students.

10. The regular teaching staff has been increased to 57 as compared with 54 last year. Although special efforts have been made to recruit teachers from various countries, most of them still come from the United Kingdom and other Commonwealth countries, Western Europe and North America. Nevertheless, for the current school year, one teacher was recruited from Poland to teach physics, and another from Nigeria to teach history.

11. The present enrolment of 648 is far too large for the existing buildings of the School. However, unavoidable pressures have compelled the Director to accept this unprecedented number and the Board of Trustees to agree to it. Most of the new admissions were children of United Nations staff members either newly arrived or the siblings of children already in the School. With the prospect of the new School starting in 1968 with an enrolment of approximately 800, the Director has felt it necessary to increase the enrolment gradually, so that there would not be a sudden influx of new admissions by that date.

12. The Board of Trustees is of the view that the School is developing into an institution which can realize the objective of providing a broad-based education for the children of the international staff and that it is achieving its goal of inculcating in the growing generation the ideals of international understanding and appreciation of cultural diversity.

13. The Board is looking forward to the completion of the new building, which will afford further opportunities for the growth and development of an international outlook among the staff and students of the United Nations International School.

A PERMANENT SITE FOR THE SCHOOL

14. Following General Assembly resolution 2123 (XX), authorizing the Secretary-General to accept the offer of the City of New York to provide a suitable site for the School, the City conveyed to the United Nations the site on the East River at East 25th Street on a 99-year lease at a rental of \$1 per annum. The United Nations transferred this site to the Association for the United Nations International School in early January 1966. The site now consists of an area of 120,000 square feet, or approximately 3 acres. The School building will occupy about half of the space, the rest being reserved for play areas, both open and covered.

15. The old pier has been demolished and work has started on the site filling. The general design and layout of the School are undergoing revisions by the architects to keep the cost of the building within the funds available in the light of rising costs, without any curtailment of the basic educational facilities. The main revision concerns the reduction in size of the building to accommodate 1,200 students rather than the 1,500 originally planned. The interior of the building is being planned to include all the facilities needed by a school of the size and character of the United Nations International School. The main features, in addition to classrooms and language and science laboratories, will be a swimming pool, instrumental music and chorale rooms, a gymnasium, an auditorium, a cafeteria, teachers' conference rooms, two libraries, an arts and crafts centre, science and mathematics centres, individual study spaces for the students and a large penthouse student centre. The architects are working in collaboration with the consultants and the Educational Facilities Laboratory of the Ford Foundation to finalize the detailed plans and specifications for the building.

16. A construction office has been established to ensure the necessary checks and controls on the construction of the building and to be responsible for contracts, accounts, work progress, site security and other related duties. The general administration of the school construction is being carried out in accordance with budgetary, accounting and control procedures as established for similar United Nations construction operations. Most of the negotiations with the City departments and the federal authorities have been completed.

17. The architects are of the opinion that at the present rate of progress, most of the building will be ready for occupancy by the beginning of the academic year 1968-1969, provided no major construction problems arise.

18. The Ford Foundation grant of \$7.5 million and the major part of the grant of \$1,100,000 from the Rockefeller family have been received.

THE DEVELOPMENT FUND

19. The purposes of the Development Fund of \$3 million were outlined in the Secretary-General's report to the General Assembly^b at its nineteenth session. The income derived from the Fund, approximately \$150,000 is to be applied to provide adequate bursaries for families who are unable to enrol their children in the School because of the high tuition fees, to improve the quality of education, to promote staff development and to take care of operational deficits.

20. The General Assembly, by its resolution 2123 (XX), of 21 December 1965, urged Member States which had not done so to contribute promptly to the Development Fund for the School under the terms of Assembly resolution 1982 (XVIII), of 17 December 1963. In order to expedite such contributions from the Member States concerned, the Secretary-General appointed in February 1966 a personal representative to contact Governments of Member States, interpret the concept and purposes of the School and stimulate contributions towards it. While the Board of Trustees is very appreciative of this action of the Secretary-General, it is constrained to express disappointment at the slow response from those Governments. The number of Governments which have pledged cash contributions has increased only to 40 from the 28 reported last year. Contributions or pledges now stand at \$316,233, of which

^b Official Records of the General Assembly, Nineteenth Session, Annexes, annex No. 19, document A/5834, para. 7.

\$279,033 has been paid (see appendix II). Comparative figures for last year are \$255,292 and \$19,181, respectively. Four additional Governments have pledged equipment or building materials.

21. Non-governmental pledges now amount to \$698,380. However, \$63,691 of this amount represents the net proceeds from a benefit ballet in 1966 and is earmarked for scholarships and bursaries during the three years, from 1966 to 1969. A further sum of \$25,715 was contributed specifically for professional expenses in fund-raising. Consequently, the net amount pledged towards the \$3 million Development Fund from non-governmental sources is \$608,974. A further pledge of \$300,000 has been made contingent on a higher level of government contributions.

22. The Ford Foundation has been very generous in meeting its commitment, waiving the previous provision that at least half of the Fund must be raised before its grant is released. The Board of Trustees, therefore, is deeply committed to raising the \$3 million as early as possible. It feels that the major part must come from governmental sources and hopes that more positive steps will be taken to obtain contributions from the Member States.

BURSARIES AND SCHOLARSHIPS

23. For the academic year 1965-1966, a sum of \$32,000 was earmarked for bursaries and scholarships. Applications for financial help were received in respect of 121 children of whom 108 were given grants in varying amounts according to the financial situation of the family as well as the academic standing of the pupils concerned.

24. The major portion of the grants, as indicated above, went to children of the United Nations staff without education grant, in line with the accepted policy that the School should be made accessible to as many children as possible from United Nations families. However, the amount granted to individual children under the present financial limitations does not seem to be adequate to attract or retain an appreciable number of children of these families or of some of the delegations. Under the present conditions, the International School is unable to match the substantial scholarships granted to delegation children by some private schools in New York.

25. For the academic year 1966-1967, a sum of \$35,000 was budgeted for scholarships and bursaries. The full amount has already been disbursed as grants. With increasing enrolment and with the broadening of the basis for granting scholarships and bursaries, it is becoming apparent that a considerably larger sum will have to be earmarked for these purposes. In this connexion, the Board of Trustees is happy to record that the gala benefit performance of the Lolshoi Ballet brought in \$63,691. This sum has been spread over the years 1966, 1967 and 1968 to meet scholarships and bursaries.

26. The Board of Trustees is very appreciative of the Secretary-General's kind offer to donate to the Development Fund the prize money, amounting to approximately \$13,000, which he received under the Jawaharlal Nehru Award for International Understanding. The Board has agreed to name this the "Thant Award" to be utilized for merit scholarships over a period of years to United Nations children in the secondary school.

FINANCING THE OPERATION OF THE SCHOOL

27. The table in appendix III to this report gives a breakdown of the income and expenditures of the School for the years 1964-1965 and 1965-1966 and the budget estimates for 1966-1967. The main source of income of the School is from tuition fees and other dues, in which there has been a marked improvement over the three-year period, reflecting not only the increase in tuition fees which became effective for the school year 1964-1965 but also the continued rise in enrolment particularly in the secondary classes of the School. Additional income is derived from transfer to the School from the net receipts of fund-raising events and donations towards the cost of scholarships granted to children of United Nations and other families. The principal expenditure items are the salaries of teachers and other staff and related expenses, such as the cost of pension and health insurance plans and travel on home leave. Other main items of expenditure

are bursaries and scholarships, rentals, maintenance and utilities, school lunches, supplies and equipment.

Financial year 1965-1966

28. The budget estimates for 1965-1966 included in the report of the Secretary-General to the General Assembly at its twentieth session showed an anticipated deficit of \$45,400 and the uncovered balances for prior years of \$11,563. The actual deficit for 1965-1966, as shown by the audited accounts, was \$44,763. This deficit and the uncovered balances for prior years was met by a transfer from the International School Fund of \$56,326. An audited statement pertaining to the Special Account of the International School Fund setting forth the position as at 30 June 1966 is contained in appendix IV to the present report.

Financial year 1966-1967

29. The budget estimates for 1966-1967 are based on an average enrolment of 635 pupils, as compared to an average of 594 for 1965-1966. The actual enrolment when the school opened in September 1966 was 648 pupils but experience has shown that allowance must normally be made for a certain number of withdrawals in the course of the year, particularly in the case of children of Secretariat and delegation families. The increase in enrolment was mainly in the secondary classes, where there is still room for additional pupils. The total income from tuition fees and other dues, such as admission fees and association membership fees, and other revenue, including income from fund-raising events, dividends and other miscellaneous income, is estimated at \$684,300, as compared to the actual income for 1965-1966 of \$632,529, or an increase of about \$52,000.

30. The estimated expenditures for the current year total \$733,200, which is \$55,908 higher than the actual expenditures for 1965-1966. The main reasons for this increase are certain unavoidable rises in staff costs and related expenses due to: normal annual salary increases to teachers and administrative staff and hourly wage increases for maintenance staff; the appointment of an Assistant Director in charge of French studies and a Guidance Counsellor; and provision for an improved health insurance plan for the staff. Furthermore, there has been an increase in rental for the Parkway Village premises, which will amount to about \$2,400 for the current year. The total of expenditures referred to above includes scholarships and automatic rebates for multiple enrolment from the same family, which show an increase of approximately \$10,000 for the current year, of which automatic rebates account for about \$3,000. The increase of less than \$7,000 in the amount allowed for scholarships was considered necessary mainly on account of the increase in tuition fees that was introduced last year and it will be compensated for by a transfer from the net receipts of the benefit performance held in April 1966.

31. On the basis of the above figures, the anticipated operational deficit for the current school year is estimated at \$48,900. As the audited accounts for 1965-1966 show an unused balance as at 30 June 1966 of \$674 in the Special Account of the International School Fund, the carry-over of this balance to the 1966-1967 school year would reduce the estimated deficit to \$48,226.

International School Fund

32. In accordance with the Financial Rules for the International School Fund,⁴ an audited statement of the Special Account of the International School Fund is contained in appendix IV to this report.

33. Under General Assembly resolution 2123 (XX) an amount of \$57,000 was transferred to the International School Fund for the purpose of liquidating the operational deficit of the School for the financial year ending 30 June 1966. As shown by the audited statement appearing in appendix IV, the operational deficit for 1965-1966 amounted to \$44,763. This

^e *Ibid.*, Twentieth Session, Annexes, agenda item 86, document A/6079, annex, appendix III.

^d *Ibid.*, Fifteenth session, Annexes, agenda item 61, document A/4541, annex, appendix I.

deficit, as well as uncovered balances for prior years of \$11,563, or a total of \$56,326, was met by a transfer from the International School Fund, leaving an unused balance for this purpose of \$674 in the Fund as at 30 June 1966.

34. During the year 1965-1966 voluntary contributions totalling \$130,054 were received from 21 Governments—in response to General Assembly resolutions 2003 (XIX) and 2123 (XX)—towards the establishment of a \$3 million Development Fund for the School. Of this amount, \$129,275 had been transferred to the Development Fund as at 30 June 1966, leaving a balance of \$778 still to be transferred to the Fund. Detailed information on the Development Fund is given in paragraphs 20 and 21 above and a statement showing the voluntary contributions pledged and paid by Governments as at 31 October 1966 is contained in appendix II.

APPENDICES

Appendix I

COMPOSITION OF THE BOARD OF TRUSTEES AS AT 3 NOVEMBER 1966

The Board of Trustees, which is responsible for the policy and for supervising 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:

- Miss Julia Henderson, Director, Bureau of Social Affairs, United Nations (Chairman);
- H.E. Chief S. O. Adebo, C. M. G., Permanent Representative of Nigeria to the United Nations (Vice-Chairman);
- H.E. Mr. Rashid Al-Rashid, Permanent Representative of Kuwait to the United Nations (Vice-Chairman);
- H.E. Mr. F. H. Corner, Permanent Representative of New Zealand to the United Nations (Vice-Chairman);

- H.E. Mr. Roger Seydoux, Permanent Representative of France to the United Nations (Vice-Chairman);
- H.E. Mr. Bohdan Tomorowicz, Permanent Representative of Poland to the United Nations (Vice-Chairman);
- The Hon. Mr. Tore Tallroth, Consul-General of Sweden in New York (Vice-Chairman);
- Sir Alexander MacFarquhar, Director of Personnel, United Nations (Vice-Chairman);
- Mr. Bruce R. Turner, Controller, United Nations (Vice-Chairman);
- Mr. Dudley Madawela, Social Affairs Officer, United Nations (Secretary);
- Miss Karen Petersen, Secretary of the Committee on Contributions, Office of the Controller, United Nations (Treasurer);
- Mr. Philippe de Seynes, Under-Secretary for Economic and Social Affairs, United Nations (Member);
- Mrs. Murray Fuhrman, Chairman of the Endowment Fund Committee, United Nations International School (Member);
- Mr. Paul G. Hoffman, Administrator, United Nations Development Programme (Member);
- Mr. Shukri Salameh, Chief, Rules and Procedures Section, Office of Personnel, United Nations (Member);
- Mrs. Walker Stuart, Journalist (Member);
- Mr. H.-Y. Sung, Interpreter, United Nations (Member);
- Mr. Carlos S. Vegega, Chief, Americas and Caribbean Division, United Nations Development Programme (Member).

During the past twelve months, three vacancies in the elective offices, which occurred through the expiration of the terms of Mrs. Murray Fuhrman, Mr. Irshad H. Baquai and Mr. Dudley Madawela, and one vacancy by the transfer of Mr. Raymond Rodriguez to another United Nations post, have been filled by the re-election of Mr. Dudley Madawela and Mrs. Murray Fuhrman, and the election of Mr. Carlos S. Vegega and Mr. H.-Y. Sung.

Appendix II

DEVELOPMENT FUND FOR THE UNITED NATIONS INTERNATIONAL SCHOOL Governmental cash contributions^a as at 31 October 1966

	Pledged	Paid	Balance due
	<i>United States dollars</i>		
Canada (\$C35,000)	32,487	32,487	—
Congo (Democratic Republic of)	5,000	5,000	—
Cyprus	557	557	—
Denmark	25,000	25,000	—
Gabon	4,000	—	4,000
Ghana	2,800	2,800	—
Greece	4,000	4,000	—
Guinea	2,024	2,024	—
Holy See	1,000	1,000	—
Hungary	5,000	—	5,000
Iran	1,000	1,000	—
Iraq	5,000	5,000	—
Israel	3,000	3,000	—
Italy	1,600	1,600	—
Ivory Coast	5,000	5,000	—
Jamaica	1,000	1,000	—
Jordan	1,000	1,000	—
Kenya	500	500	—
Kuwait	40,000	40,000	—
Libya	5,000	5,000	—
Luxembourg	1,200 ^b	—	1,200
Malawi	279	279	—
Mali	500	500	—
Malaysia	1,500	1,500	—
Morocco	4,000	4,000	—
Nepal	500	500	—
Netherlands	36,000 ^c	9,000	27,000
New Zealand	12,300	12,300	—
Nigeria	7,000	7,000	—
Norway	13,986	13,986	—

Governmental cash contributions^a as at 31 October 1966 (continued)

	<i>Pledged</i>	<i>Paid</i>	<i>Balance due</i>
	<i>United States dollars</i>		
Pakistan	3,000	3,000	—
Saudi Arabia	20,000	20,000	—
Sweden	40,000	40,000	—
Trinidad and Tobago	1,500	1,500	—
Tunisia	2,000	2,000	—
Turkey	2,000	2,000	—
Uganda	1,000	1,000	—
United Arab Republic	15,000	15,000	—
Yugoslavia	5,000	5,000	—
Zambia	5,000	5,000	—
TOTAL	316,733 ^d	279,533 ^d	37,200

^a Austria, India, Poland and Romania have promised contributions in kind.

^b The amount pledged will be paid in four annual instalments. The contributions for 1966 to 1968 were pledged subject to parliamentary approval.

^c The Netherlands has pledged four annual instalments of \$9,000 each for the years 1965-1968. The contributions for 1966-1968 are subject to parliamentary approval.

^d This total includes the amount of \$500 contributed by Kenya after the preparation of the report.

Appendix III

BUDGET ESTIMATES FOR 1966-1967 AND ACTUAL INCOME AND EXPENDITURE FOR 1965-1966 AND 1964-1965

	<i>Budget estimates 1966-1967</i>	<i>Actual income and expenditure 1965-1966</i>	<i>1964-1965</i>
	<i>United States dollars</i>		
INCOME			
Tuition and other fees ^a	661,600	620,005	512,545
Donations and other income ^b	22,700	12,524	13,412
TOTAL	684,300	632,529	525,957
EXPENDITURE			
Staff costs and related expenses ^c	569,900	519,739	446,817
Rentals ^d	34,450	32,130	30,300
Maintenance and alterations ^e	9,350	8,909	9,020
Supplies and equipment ^f	25,550	28,317	18,691
School lunches ^g	10,500	10,472	12,701
Other expenses ^h	18,450	22,387	17,383
	668,200	621,954	534,912
Scholarships ⁱ	38,000	31,350	25,802
Automatic rebates for multiple enrolment	27,000	23,988	21,228
TOTAL	733,200	677,292	581,942
OPERATING DEFICIT	48,900	44,763	55,985
<i>Add:</i>			
Uncovered balance for prior years	—	11,563	578
		56,326	56,564
<i>Less:</i>			
General Assembly grant	—	57,000	45,000
DEFICIT, OR SURPLUS (+)	48,900	+ 674	11,563

^a Includes admission fees and association membership fees as well as tuition fees. The estimated income from tuition fees for 1966-1967 is based on an enrolment of 635 pupils, as compared to an average of 594 pupils for 1965-1966.

^b Includes a transfer of \$21,000, to cover scholarship grants to United Nations and non-United Nations children, from the financial results of special fund-raising events. It also includes dividends and other miscellaneous income.

^c Includes salaries and allowances of all personnel on the payroll: teachers, office staff and maintenance staff. It also includes payments to the health insurance and pension plan, as well as recruitment expenses and travel on home leave.

^d Covers the rental for the building in Manhattan as well as the apartments in Parkway Village, and a room in Lenox Hill.

* Includes the cost of maintaining the Manhattan building and the apartments in Parkway Village. Also included are the costs of utilities, namely 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 buildings.

† Includes specialist equipment and furniture for laboratories, class-rooms and lunch-rooms, as well as textbooks, stationery, office and art supplies.

‡ The operation of the programme is under a contractor, on a cost-plus-management-fee basis. Starting with the school year 1962-1963, giving free lunches to the pupils was discontinued. Free lunches continue to be provided for teachers and office personnel.

^b Covers the cost of telephone, insurance, physical education programmes, bus transportation etc., and for 1964-1965 and 1965-1966 write-off for uncollectables for prior years.

¹ Covers scholarships to children of United Nations, non-United Nations and delegation families.

Appendix IV

INTERNATIONAL SCHOOL FUND

Statement of status of the Special Account for the United Nations and Government contributions to the International School for the fiscal year 1 July 1965—30 June 1966

United States dollars

FUND BALANCE AS AT 1 JULY 1965	Nil
<i>Add:</i>	
Funds provided by:	
United Nations contribution—pursuant to General Assembly resolution 2123 (XX), of 21 December 1965	57,000.00
Government contributions in response to the appeal for voluntary contributions contained in General Assembly resolution 1982 (XVIII), of 17 December 1963	130,054.47
TOTAL FUNDS AVAILABLE	187,054.47

Less:

Funds applied to:
Subsidy to the Association for the United Nations International School for the liquidation

INTERNATIONAL SCHOOL FUND (*continued*)

United States dollars

of the balance of the operating deficit increased for the year ended 30 June 1965	11,563.42	
Subsidy to the Association for the United Nations International School for liquidation of the operating deficit sustained for the year ended 30 June 1966	44,762.65	
Transfers to the United Nations International School Development Fund	129,275.67	185,601.74
FUND BALANCE AS AT 30 JUNE 1966		1,452.73

AUDIT CERTIFICATE

I have examined the above statement of the status of the Special Account for the United Nations and Government 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, C.P.A.
Auditor

DOCUMENT A/6536

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the United Nations International School (A/6507) and the report of the Board of Trustees annexed thereto.

2. Under the authorization contained in General Assembly resolution 2123 (XX), of 21 December 1965, the Secretary-General signed a 99-year lease with the City of New York for a 3-acre site for the new School at a rental of \$1 per annum, at 25th Street and Franklin D. Roosevelt Drive. While pre-construction work is progressing satisfactorily, rising construction costs have required revisions to the general design and layout of the School to keep the cost of the building within the limits of the funds available. The main revision concerns a reduction in the size of the building to accommodate 1,200 students instead of 1,500, as originally planned.

3. However, the most intractable problem currently confronting the School is raising the endowment or the Development Fund to the \$3 million target level to

ensure the School's financial independence. In order to expedite donations, in February 1966 the Secretary-General appointed a personal representative to contact Governments of Member States, interpret the concept and purposes of the School and stimulate contributions. Notwithstanding all efforts in this direction, the results to date have been very disappointing. The number of Governments which have pledged cash contributions has reached only 40, as compared with the 28 reported last year, and the amount of contributions only \$316,233 as compared with \$255,292 last year. In addition, 4 more Governments have promised equipment or building materials, but these are not readily assessable in monetary terms at this time. Commitments of private individuals or non-governmental organizations now stand at \$698,380, making a total amount pledged of \$1,014,613, or approximately one third of the minimum required. This represents a decrease of \$218,125 as compared with last year, owing to certain adjustments during the year in the pledges reported by the Board of Trustees (A/6507, annex, para. 21).

Comments of the Advisory Committee

4. On several occasions in the past the Advisory Committee has emphasized the necessity of establishing a development fund adequate to ensure the School's financial independence. The Committee stressed that without such a fund the School would in all likelihood continue to call upon the General Assembly each year to take measures to deal with an operating deficit.

5. In its report on this subject in 1965³ the Advisory Committee, noting that some 41 per cent of the target amount had been received or pledged and that an acceptable site having only token financial implications had finally been agreed upon, suggested that the General Assembly might wish to endorse⁴ the Board's request to proceed with the plans and specifications for the buildings so that the School could move into the new premises in time for the 1968-1969 academic year. At the same time, the Advisory Committee, in paragraph 16 of that report, had drawn the Assembly's attention to the opinion expressed by the Board that no further substantial contributions could be expected from private voluntary sources until the Governments of Member States contributed a significant proportion of the Development Fund. The Committee therefore endorsed the Secretary-General's plea and hope that Member States would give concrete evidence of their support for the School and see their way clear to contributing generously to the Fund, thereby securing financial viability for the School prior to its dedication.

6. Given the situation as now reported by the Secretary-General and the Board of Trustees, the Advisory Committee must register its concern regarding the present level of the Development Fund and the measure of financial or other support for the School so far received from Governments of Member States. The Committee therefore would join with the Secretary-General in expressing the earnest hope that Member Governments will respond in full measure at this critical juncture, so that the School may be financially independent when it moves to its new premises. The Committee would also draw the General Assembly's attention to paragraph 6 of the Secretary-General's report, in which he states that if the minimum goal is not reached by August 1967 he will feel obliged to recommend other measures to the Assembly at its twenty-second session.

7. In this connexion it is relevant to note that in its report to the General Assembly at its eighteenth session,⁵ the Advisory Committee stated its understand-

³ *Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 86, document A/6113, para. 15.*

⁴ Subsequently authorized under General Assembly resolution 2123 (XX), of 21 December 1965.

⁵ *Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 68, document A/5625, para. 9.*

ing that in favouring the principle of the construction of a permanent school through voluntary contributions, the Assembly was in no way committed to provide any funds from the budget of the Organization should the voluntary contributions fall short of requirements.

8. In paragraph 8 of his report the Secretary-General refers to the estimated deficit of \$48,900 in the operating costs of the School for the academic year 1966-1967 and expresses the hope that the General Assembly will find it possible to make an appropriate grant to the International School Fund for 1967 to cover this deficit. The Advisory Committee would recall that from 1949 onwards the Assembly had made a series of grants to the School in the form of rent payments. Subsequently, under the terms of resolution 1439 (XIV), of 5 December 1959, and of later resolutions—resolutions 1591 (XV) of 20 December 1960, 1727 (XVI) of 20 December 1961, 1853 (XVII) of 19 December 1962, and 1982 (XVIII) of 17 December 1963—the Assembly provided financial assistance to the School for a period of five years to cover its operating deficits. The Assembly has since, in resolutions 2003 (XIX) and 2123 (XX), extended its approval to cover the years 1965 and 1966. Thus the assistance granted to the School to cover its operating deficit for the period 1960-1966 amounts to \$457,000, including \$78,700 to the School Fund for the purpose of forwarding plans for permanent accommodation.

9. The Advisory Committee, therefore, while supporting all possible measures to raise the necessary voluntary contributions to ensure the financial viability of the School, is concerned equally with obviating any future charges to the regular budget of the Organization once the new School becomes operative. Accordingly, the Committee suggests that the General Assembly may wish to reconsider its policy of providing financial assistance to cover the operating deficit of the School when it is transferred to the new premises. In making the suggestion to the Assembly at this time the Advisory Committee is also motivated by the desire to encourage further voluntary contributions to the Development Fund, so that the School may be economically independent when it is moved to its new premises. The Committee would reiterate its belief that the School should be expected to achieve a balanced budget and consequently to require no further assistance from the Assembly. Perhaps the School needs to consider additional measures for achieving this requirement.

10. As regards the estimated deficit of \$48,900 for the academic year 1966-1967, the General Assembly, as in past years, may wish to follow the suggestion of the Secretary-General and make a grant to the International School Fund for 1967 to cover this operating deficit.

DOCUMENT A/6565**Report of the Fifth Committee**

[Original text: English]
[8 December 1966]

1. At its 1160th and 1161st meetings, on 5 and 6 December 1966, the Fifth Committee considered the reports of the Secretary-General (A/6507) and the Advisory Committee on Administrative and Budgetary

Questions (A/6536) on the United Nations International School. The report of the School's Board of Trustees appeared as an annex to the Secretary-General's report. The Committee also had before it a

draft resolution sponsored by Cyprus, Denmark, Kenya, Kuwait, Libya, Malaysia, New Zealand, Sweden, the United Arab Republic, Yugoslavia and Zambia (A/C.5/L.884).

2. Introducing the Advisory Committee's report, the Chairman of that Committee referred to the progress made in the preparation of the new site of the school for the building to be erected there in the course of the next 18 months. He emphasized the importance of the Advisory Committee attached to the Development Fund, both from the point of view of ensuring the School adequate funds for bursaries, scholarships and staff development, and in obviating the necessity for the School to seek the assistance of the United Nations in meeting operating deficits. The Advisory Committee had pointed out in its report that this assistance had amounted to \$378,300 for the years 1960-1966, and that a further deficit of \$48,900 was anticipated for the academic year 1966-1967. The Advisory Committee therefore joined with the Secretary-General in his appeal to Member Governments to support the School by contributing to the Development Fund. The Advisory Committee believed that the School should be expected to achieve a balanced budget and consequently to require no further assistance from the General Assembly as from the time the School moves into its new premises. Finally, the Advisory Committee suggested that the Assembly may wish to follow the proposal of the Secretary-General and make a grant to the International School Fund of \$48,900 to cover the anticipated operating deficit for 1966-1967.

3. The Chairman of the Board of Trustees of the School thanked the members of the Committee for their past understanding of the problems with which the School has been faced. She paid tribute to the City of New York, the Ford Foundation and the Rockefeller family for the facilities and grants they had made available to the School which, as a result, was now in a position to proceed with the construction of the new School building. She pointed out that the School, which continued to meet an important need of the United Nations, had again advanced in its efforts to achieve a wider geographical representation on its staff, having appointed teachers for the first time from Eastern Europe and Africa. The student body now had 74 nationalities represented among the students. She emphasized the urgent need for Governments of Member States to make contributions to the Development Fund,

and reminded the Committee that the grant of \$7.5 million made by the Ford Foundation to the School for the new building had been contingent upon the Development Fund reaching a level of \$3 million.

4. The representative of Kuwait introduced the draft resolution (A/C.5/L.884) sponsored by 10 other Governments beside his own, and paid tribute to the efforts of the Board of Trustees, and the Director and staff of the School during the past years. He felt sure that all Governments realized the importance of the School, and appealed to those who had not already done so, to contribute to the Development Fund. He referred specifically to operative paragraphs 1 and 3 of the draft resolution. Paragraph 1 would authorize the Secretary-General, as trustee of the grants made available by the Ford Foundation and the Rockefeller family, to transfer necessary funds to the Board of Trustees so that construction of the new building may proceed. Paragraph 3 would enable the School's anticipated operating deficit for 1966-1967 to be met.

5. Other delegations supported the draft resolution and emphasized the role which the School continued to play with reference to recruitment of staff and as a much needed facility for members of delegations as well as the staff of the Secretariat. They were unanimous on the importance of the Development Fund to ensure the financial independence of the School and to improve the quality of its education which in many respects was unique and of a pioneering nature. It was mentioned that it would be unrealistic to look for private donors without further contributions from more Governments. Two delegations announced the intention of their Governments to make contributions, while one delegation asked that further efforts be made to achieve a wider geographical distribution in regard to the faculty of the School.

6. The Committee adopted the draft resolution (A/C.5/L.884) unanimously.

Recommendation of the Fifth Committee

7. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

UNITED NATIONS INTERNATIONAL SCHOOL

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1488th plenary meeting, on 9 December 1966, the General Assembly adopted unanimously the draft resolution submitted by the Fifth Committee (A/6565, para. 7). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2176 (XXI).

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 or description</i>	<i>Observations and references</i>
A/C.5/1099	Draft report of the Fifth Committee	Same text as A/6565
A/C.5/L.884	Cyprus, Denmark, Kenya, Kuwait, Libya, Malaysia, New Zealand, Sweden, United Arab Republic, Yugoslavia and Zambia: draft resolution	Adopted without change. See A/6565, para. 7



Agenda item 84:* Reports of the International Law Commission on the second part of its seventeenth session and on its eighteenth session**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Sixth Committee*, 902nd to 919th meetings, *ibid.*, *Fifth Committee*, 1158th meeting; and *ibid.*, *Plenary Meetings*, 1484th meeting.

** Since 1960, the reports of the International Law Commission have been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 65), sixteenth session (agenda item 69), seventeenth session (agenda item 76), eighteenth session (agenda item 69), twentieth session (agenda item 87).

DOCUMENT A/C.6/371

Procedural and organizational problems involved in a possible diplomatic conference on the law of treaties

Memorandum by the Secretary-General

[Original text: English]
[20 September 1966]

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INTRODUCTION

1. In the course of the consideration by the Sixth Committee at the twentieth session of the General Assembly of agenda item 87, relating to the reports of the International Law Commission on the work of its sixteenth session and the first part of its seventeenth session, the representative of Israel,¹ with the support of the representatives of Austria, Canada and Sweden,² requested that the Secretariat should prepare, for submission to the next session of the General Assembly, a paper discussing the problems of procedure and organization likely to arise in a possible codification

¹ See *Official Records of the General Assembly, Twentieth Session, Sixth Committee*, 840th meeting, paras. 4-5; 850th meeting, para. 42.

² *Ibid.*, 851st meeting, para. 26; 845th meeting, para. 15; and 844th meeting, para. 13.

conference on the law of treaties. The Secretariat agreed to the preparation of such a paper,³ which would be informally discussed with the International Law Commission. The first draft of the present memorandum, prepared in accordance with the request of the Sixth Committee, has been the subject of informal consultations with the International Law Commission during its eighteenth session in the summer of 1966, after which the memorandum was revised and completed for submission to the General Assembly.

2. The International Law Commission has recommended "that the General Assembly should convene an international conference of plenipotentiaries to study the Commission's draft articles on the law of treaties and to conclude a convention on the subject" (see A/6309, para. 36). This memorandum explores the implications of that recommendation, but it is not intended to prejudice the decision of the General Assembly on that question.

3. The practice of past codification conferences will first be examined as a background for the discussion of a possible future conference on the law of treaties. The memorandum will also examine the nature of the Commission's draft articles on the law of treaties, with a view to identifying any special characteristics and problems of the draft which may create special requirements in regard to the organization and procedures of the conference.

I. PREVIOUS CODIFICATION CONFERENCES

4. The first codification conference which may be mentioned in the present connexion is the Conference for the Codification of International Law, held at The Hague in 1930 under the auspices of the League of Nations. In the period of the United Nations, five conferences have been convened to deal with areas of the law which have been studied by the International Law Commission. The first was the United Nations Conference on the Law of the Sea, which met in Geneva from 24 February to 27 April 1958. It adopted four conventions, one optional protocol, nine resolutions, and a Final Act. The second conference was the United Nations Conference on the Elimination or Reduction of Future Statelessness, of which the first part was held in Geneva from 24 March to 18 April 1959, and the second part in New York from 15 to 28 August 1961. This conference adopted the Convention on the Reduction of Statelessness, four resolutions and a Final Act. The third conference was the Second United Nations Conference on the Law of the Sea, which met in Geneva from 17 March to 26 April 1960. This conference, which was called for the purposes of considering further the questions of the breadth of the territorial sea and fishery limits, which had not been resolved at the first Conference on the Law of the Sea, was not successful in dealing with those questions, and adopted only two resolutions and a Final Act. The fourth conference was the United Nations Conference on Diplomatic Intercourse and Immunities, held in Vienna from 2 March to 14 April 1961. This conference adopted the Vienna Convention on Diplomatic Relations, two optional protocols, four resolutions and a Final Act. The most recent conference was the United Nations Conference on Consular Relations, held in Vienna from 4 March to 22 April 1963. This conference adopted the Vienna Convention on Consular

Relations, two optional protocols, three resolutions and a Final Act.

5. The conferences whose experience seems likely to be the most useful in planning for a Conference on the Law of Treaties are the first Conference on the Law of the Sea and two Vienna Conferences on Diplomatic and Consular Relations. The Conference on the Elimination or Reduction of Future Statelessness was relatively small, since only thirty-five States attended the first part and thirty States attended the second part, and consequently the problems of procedure were quite different from those of the others, which were each attended by approximately ninety States. The second Conference on the Law of the Sea did not have the problem of dealing with an extensive draft prepared by the International Law Commission, but only examined certain questions which had not been settled by the first conference.

II. NATURE OF THE DRAFT ARTICLES ON THE LAW OF TREATIES

6. The draft articles on the law of treaties as finally adopted by the International Law Commission at its eighteenth session consist of seventy-five articles, and thus are comparable in length with the longest drafts submitted to previous codification conferences (those considered by the First Conference on the Law of the Sea and by the Conference on Consular Relations, each of which had seventy-one articles). The draft on the law of treaties is more complex than any draft which the Commission has yet prepared. The parts of the draft are intimately interrelated, and consistency of terminology and a close relationship between the articles in the different parts of the draft must be maintained. At previous conferences, the connexion between the various parts was not so close, and it was not difficult to consider separately, for example, the various branches of the law of the sea, or to separate the provisions on consular privileges and immunities from the other parts of the draft on consular relations. In the draft on the law of treaties such a division may be more difficult.

7. Some indication of the relative complexity of the various topics dealt with in the drafts submitted to codification conferences may perhaps be gathered from the number of meetings devoted by the International Law Commission to each. On this basis, it would appear that the law of treaties is by far the most difficult topic with which the Commission has yet dealt. By the end of its eighteenth session in summer 1966, the Commission, between 1961 and 1966, had devoted 229 meetings, in whole or in part, to the law of treaties. To this figure may be added the 60 meetings which the Commission, with different Special Rapporteurs, devoted to the topic between 1950 and 1960, making a total of 289 meetings. The next most difficult subject, the law of the sea, took 175 meetings (in whole or in part) between 1950 and 1956; consular relations took 110 between 1956 and 1961; diplomatic relations 64 in 1957 and 1958; and statelessness 51 between 1952 and 1954. There are, however, two circumstances which make these figures somewhat unreliable as a guide to the probable length of conferences on the various topics. The first is that by resolution 1103 (XI) of 18 December 1956 the General Assembly increased the number of members of the Commission from fifteen to twenty-one, and by resolution 1647 (XVI) of 16 November 1961 from twenty-one to

³ *Ibid.*, 850th meeting, para. 43.

twenty-five; and the length of discussions tends to vary with the number of members participating. The second is that it may be argued that, if the Commission, with the participation of members from a broad spectrum of different legal systems, has been able to work out compromise texts on many controversial issues, those issues should be considerably simpler to deal with in a codification conference.

III. PREPARATION FOR THE CONFERENCE

8. Before all previous codification conferences except the Second Conference on the Law of the Sea, the General Assembly has requested the comments of Governments on the final draft prepared by the International Law Commission. The General Assembly may find especially strong reasons for doing so again in regard to the Commission's final text on the law of treaties, since there are considerable differences in drafting and arrangement between the first draft circulated for comments of Governments and the final text adopted by the Commission, which became available to Governments only shortly before the discussions at the twenty-first session of the Assembly; moreover, the draft deals with some of the most complex questions of modern international law. In addition to the comments of Governments, the General Assembly may wish to invite comments on the draft on the law of treaties from the Secretary-General and from the Directors-General of those specialized agencies which serve as depositaries of multilateral conventions, since they have special experience of the problems arising in connexion with depositary procedure. The period allowed for the preparation of the comments of Governments has been about one year, and in some cases has been greater.

9. For example, the first Conference on the Law of the Sea, dealing with a draft submitted by the Commission in 1956, was convened by General Assembly resolution 1105 (XI) of 21 February 1957, and began on 24 February 1958. The Second Conference on the Law of the Sea was convened by General Assembly resolution 1307 (XIII) of 10 December 1958, and began on 17 March 1960. The draft on diplomatic intercourse and immunities was first considered by the General Assembly in 1958, when the Assembly adopted resolution 1288 (XIII) of 5 December 1958, reserving the question of the body which should be entrusted with the formulation of a convention on the topic; at the following session the Assembly adopted resolution 1450 (XIV) of 7 December 1959, pursuant to which the Conference began on 2 March 1961. Thus in the case of diplomatic relations something over two years elapsed, and two sessions of the Assembly discussed the topic, between the first receipt of the Commission's report and the holding of the Conference. This delay was in part due to the decision to hold the Second Conference on the Law of the Sea in 1960. On consular relations, the Commission's report was received in 1961. The General Assembly by resolution 1685 (XVI) of 18 December 1961 decided to convene the Conference in March 1963, but the general discussion of the draft articles took place only at the seventeenth session of the Assembly in 1962. At that session the Assembly adopted resolution 1813 (XVII) of 18 December 1962, whereby it *inter alia* invited States to submit amendments in advance of the opening of the Conference. Thus the interval between submission of the draft to the Assembly and the beginning of the Conference was

one year and a few months, though the draft was before two successive sessions of the General Assembly.

10. The Secretariat has always prepared the draft agenda of a conference, the draft rules of procedure, a memorandum on the methods of work and procedures of the conference, and nearly always a guide to the draft articles to be considered and a bibliography. These documents, together with the comments received from Governments, have been published in time for consideration before the opening of the conference. It is assumed that the same kinds of background documents would be prepared for a conference on the law of treaties.

11. In connexion with the first of the United Nations codification conferences, that on the Law of the Sea, the Secretary-General was requested by General Assembly resolution 1105 (XI)

"... to invite appropriate experts to advise and assist the Secretariat in preparing the conference, with the following terms of reference:

"(a) To obtain, in the manner which they think most appropriate, from the Governments invited to the conference any further provisional comments the Governments may wish to make on the Commission's report and related matters, and to present to the conference in systematic form any comments made by the Governments, as well as the relevant statements made in the Sixth Committee at the eleventh and previous sessions of the General Assembly;

"(b) To present to the conference recommendations concerning its method of work and procedures, and other questions of an administrative nature;

"(c) To prepare, or arrange for the preparation of, working documents of a legal, technical, scientific or economic nature in order to facilitate the work of the conference;"

In all other cases, however, there has been no formal appointment of experts and the Secretariat, at the request of the General Assembly in the various relevant resolutions, has made the preparations for the conference with the assistance only of informal consultations with interested delegations. While the assistance of experts was desirable in the case of the first Conference on the Law of the Sea because it was the first codification conference and because of the wide range of technical, scientific and economic matters which had to be considered, the experience accumulated in previous codification conferences and the more purely legal nature of the draft on the law of treaties seem to make the assistance of experts unnecessary in this case. The General Assembly can consider as fully as need be any problems of procedure or organization which appear important, and appropriate instructions can be given to the Secretary-General during the discussion of the relevant item at the present session of the General Assembly, possibly on the basis of a study by a working group of the Sixth Committee if such a group is found necessary.

12. It would be highly desirable if during the period of preparation for the conference on the law of treaties delegations could consult one another in order to explore the possibilities of agreement and compromise on various issues on which controversy would otherwise be likely to arise in the conference. It would not, however, seem useful to formalize these discussions in a preparatory committee, but would be preferable to leave them on an informal basis. The initiative for such

discussions can appropriately be left in the hands of the Governments concerned. The resolution convening the conference could contain a paragraph like operative paragraph 11 of General Assembly resolution 1105 (XI), convening the first Conference on the Law of the Sea, which

"Calls upon the Governments invited to the conference and groups thereof to utilize the time remaining before the opening of the conference for exchanges of views on the controversial questions relative to the law of the sea;".

IV. THE DATE OF THE CONFERENCE

13. The drafts of the Commission with the full commentaries are generally not available until September of the year in which they are submitted; thus it is difficult for Governments to formulate their positions on the drafts in the General Assembly of the same year. In the cases of diplomatic and consular relations, the General Assembly had the Commission's drafts before it at two successive sessions. Moreover if, as suggested above, the General Assembly desires to leave a period for the preparation of written comments on the draft by Governments, it follows that the conference can take place no earlier than the spring of 1968, or later if it is desired to leave a longer interval for preparation. In the informal discussions in the International Law Commission, there was no suggestion of a date earlier than 1968; two members stated that it was desirable to hold the conference in that year in order to avoid loss of momentum. Two others suggested that 1969 would also be a possible date and one member expressed a preference for 1969. All previous codification conferences have begun in February or March. In view of the pattern of other meetings, it would be difficult to begin a conference on the law of treaties at another time of year.

V. THE QUESTION OF THE DIVISION OF THE DRAFT ARTICLES AMONG TWO OR MORE MAIN COMMITTEES

14. The first Conference on the Law of the Sea had five main committees, four of which were referred various sections of the draft articles prepared by the International Law Commission. The Conference on Consular Relations had two main committees. Three of the conferences, however, conducted their business first in a Committee of the Whole, to which the entire draft or question before the conference was referred, and then in final plenary meetings. The question arises whether division of the articles among committees is desirable in the case of the draft on the law of treaties. A decision on this question is essential because the whole time schedule and consequently the financial implications of the conference depend upon it.

15. In the informal discussions in the International Law Commission the number of members favouring the division of the draft articles between two committees and the number opposing it were nearly equal. Those who doubted the advisability of such a division stressed the unity and interdependence of the parts of the draft. The arbitrary nature of any scheme of division, the difficulties of co-ordination of the work of two committees, the size of the delegations necessary for a conference with two committees, and the difficulty of transferring provisions from parts dealt with by one committee to parts dealt with by another. Other members, however, including the Special Rapporteur on

the Law of Treaties, saw no technical or theoretical objections to a division; it was suggested that co-ordination could be effectively dealt with by a drafting committee with appropriate powers, or that the plenary conference could meet whenever necessary to resolve divergencies that might arise between the committees.

16. If it is desired to divide the draft articles, one distinction which might be considered is between, on the one hand, the articles which deal primarily with the birth of treaty obligations and with events during their life, and, on the other hand, those which deal primarily with the modification, invalidity and extinction of such obligations. As the second group of articles would be somewhat smaller than the first, some general provisions (Parts I⁴ and VI, both of which deal with the general scope of the draft as a whole) could be added to the work of the committee dealing with the second group. This division might be the basis of organization of the conference into two main committees; in view of the nature of the draft articles, it does not seem possible to have more than two. Undoubtedly there is an arbitrary element in any scheme of division, but the following allocation of articles could serve as an initial basis of discussion:

First committee:

	<i>Articles</i>
Part II. (Conclusion and entry into force of treaties articles 5-22:	18
Part III. (Observance, application and interpretation of treaties) articles 23-34	12
Part VII. (Depositaries, notifications, corrections and registration) articles 71-75:	5
	—
TOTAL	35

Second committee:

	<i>Articles</i>
Part I. (Introduction) articles 1-4:	4
Part IV. (Amendments and modification of treaties) articles 35-38	4
Part V. (Invalidity, termination and suspension of the operation of treaties) articles 39-68 ..	30
Part VI. (Miscellaneous provisions) articles 69-70. ..	2
	—
TOTAL	40

17. It still remains to discuss which committee should deal with the preamble to the Convention on the Law of Treaties, with the final clauses of the convention, and with the Final Act of the conference. There is also a possibility that the conference, like other codification conferences, may decide to draft one or more optional protocols. The preparation of these texts could be assigned from the outset to whichever committee appeared to have the lighter workload, or alternatively, since none of these texts could in any event be drafted before the final stages of the conference, a decision on assignment could be delayed until the relative rates of progress of the two committees became clear.

VI. ESTIMATED DURATION OF THE CONFERENCE

18. From the standpoint of United Nations budget and conference planning, and equally from that of participating Governments, the duration of the con-

⁴ Article 2 entitled "Use of terms" in Part I would of course be of equal concern to the two committees, and would be reviewed by the Drafting Committee near the end of the conference.

ference must be estimated accurately in advance; it is not possible to leave the question of duration to be decided at the conference in the light of the progress made, though a conference which was unable to finish its work in the time allotted could of course decide to recommend a second session or a new conference at a later date. An estimate of duration is particularly difficult in the case of a conference on the law of treaties, because of the importance and difficulty of the problems which are to be discussed.

19. It is assumed that there will be no need for a general debate at the conference, since general views of the draft can be expressed in the Sixth Committee or in written comments, and since there do not seem to be any special circumstances which would make such a debate particularly useful. It has been the practice of all the codification conferences to dispense with a general debate, except for the first and second Conferences on the Law of the Sea, where the committees devoted between ten and twenty-three meetings to a general debate. It can therefore be expected that, at the conference on the law of treaties, the two committees or the Committee of the Whole can start at once to examine the articles one by one.

20. The draft to be considered contains seventy-five articles. The attempt must be made to estimate how long it will take to examine those articles. Statistics regarding previous codification conferences may be of help, but the special nature of the articles on the law of treaties must be borne in mind. For examination of articles at the committee stage, the best rate of progress was that made by the Committee of the Whole at the Conference on Diplomatic Intercourse and Immunities, which examined forty-five articles prepared by the Commission in a total of forty-one meetings, extending over twenty-one working days. The next most rapid progress was made by the First Committee at the Conference on Consular Relations, which received thirty-three articles drafted by the Commission, and examined them in a total of thirty-five meetings extending over twenty working days. Work in committees of other conferences has been slower. It results that the best rate of progress which can be hoped for at the committee stage is an average of one article per meeting. At previous conferences committees have in general met twice a day.

21. At this rate, the examination of a draft of seventy-five articles by a committee of the whole would require a minimum of thirty-seven and a half working days, or seven and a half weeks. In view of the complexity of the articles on the law of treaties and also in view of the need to prepare new texts not based on the draft articles (a preamble, final clauses, a final act and possibly protocols), more time must be allowed, and if it is found impossible to divide the articles between two committees, the duration of the committee stage alone of a conference on the law of treaties would probably be eight and a half or nine weeks. The entire first Conference on the Law of the Sea took place in about nine weeks, but all other codification conferences have been considerably shorter.

22. On the other hand, if it is decided to divide the draft articles between two committees, the length of the committee stage would be reduced, but the need for co-ordination of the texts produced by the two committees would mean that the estimated time for a committee of the whole could not simply be cut in half.

A duration of five weeks for the two committees seems probable.

23. The length of the plenary stage is more difficult to estimate, since there has been considerable variation in past codification conferences, and since the rate of progress evidently depends upon how satisfactorily problems are settled at the committee stage and by the drafting committee. The plenary stage of a conference having a committee of the whole would probably last four weeks. If it is decided to have two main committees, additional time will be required for the plenary, with the help of the drafting committee, to settle divergencies in substance and terminology between the committees, and five weeks would have to be allowed for the plenary stage.

24. Thus it appears that the total duration of the conference can be estimated as follows:

A. Conference with a Committee of the Whole:		<i>Weeks</i>
Committee stage	9
Plenary stage	..	4
		—
		TOTAL 13
B. Conference with two main committees:		<i>Weeks</i>
Committee stage	5
Plenary stage	5
		—
		TOTAL 10

VII. SUGGESTED DIVISION OF THE CONFERENCE INTO TWO PARTS, WITH AN INTERVAL BETWEEN THEM

25. It has been suggested by various persons of experience, including initially a member of the International Law Commission and later the representative of Austria,⁵ that a conference on the law of treaties, after full debate and thorough consideration of the draft articles, should adjourn for several months in order to give Governments time to reconsider the results reached at the first phase of the conference. Only after such an interval, in their view, should the conference reconvene and in a second reading elaborate the final text.

26. This suggestion would allow more time for reflection by Governments, and would avoid a situation where mere pressure of time might tend to prevent arriving at the most satisfactory solution of technical and political problems. Great pressure of time has undoubtedly existed in some of the codification conferences, and while its effect on the resulting conventions would be difficult to assess and may in some respects have been beneficial by promoting agreement, similar pressure might better be avoided in dealing with a subject as complicated as the law of treaties. A division of the conference into two parts might also make it easier for Governments to send representatives of the high technical qualifications required by the subject. While it might be difficult for Governments or universities to spare their experts in treaty law for as long as ten or even thirteen weeks at a stretch, they might better be able to do so for two shorter periods. In the informal discussions in the International Law Commission, a considerable majority of the members who spoke accepted the idea of dividing the conference into two parts.

⁵ See *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 851st meeting, para. 25.*

27. On the other hand, division of the conference might perhaps create a risk that new representatives would be sent to the second part; and that they, lacking experience of the first part, would tend to be ineffective and would needlessly prolong the plenary debate. There is also a risk of reopening with renewed zeal the issues fought out at the committee stage. In the informal discussions in the International Law Commission, two members opposed division of the conference on the grounds that it would involve needless duplication of work, that it might harden the divergent positions of Governments and might result in the replacement of open discussion by private negotiations, perhaps even by restricted or bilateral negotiations.

28. Nevertheless, on balance, it seems more advantageous to divide the conference into two parts. At the first part the plenary would hold only the few meetings necessary to elect officers, constitute the necessary committees and take the other decisions relevant to the general organization of the conference. Thereafter it would adjourn,⁶ to enable the two committees or the committee of the whole to complete an examination of the entire draft and to adopt a text for consideration by the plenary at the second part of the conference. At the first part, the drafting committee would also review all articles adopted to ensure the conformity of the text as a whole. At the second part of the conference, the plenary would take up and finalize the text adopted at the first part. The General Assembly could instruct the Secretary-General, in issuing invitations to the conference, to stress the importance of having the same representatives at both parts, and to state that credentials, unless the issuing Government expressly stated otherwise, would be regarded as valid for both parts. As for the danger of repetition of debates, it would be hoped that Governments, in issuing their instructions for the second part of the conference, would not insist on raising again issues which had been squarely decided by considerable majorities at the first part; but even if there would be some repetition of debate, it is evident that general satisfaction with solutions is more important than brevity of discussion.

29. What dates should be set for the first and second parts of the conference, and what should be the interval between the parts? The dates of the session of the International Law Commission must also be borne in mind, as many of its members, and also its secretariat, may be expected to attend the conference. If the first part were to begin in February then that part would occupy the months of February and all or part of March. Thereafter a gap of several months would be necessary, in order not to conflict with the annual session of the Commission, which normally meets from early May to mid-July. The second part could not therefore begin before late July at the earliest, and would extend into August which, because of normal scheduling of vacations, is not usually considered a convenient month for a large conference of plenipotentiaries. Postponing the second part until September would produce a conflict with the normal date of opening of the General Assembly.⁷ The second part could,

⁶ If two committees were decided upon, it might be necessary for the plenary to hold occasional meetings to decide upon points of divergence between the two committees.

⁷ It may be recalled that the General Assembly opened late in 1952, 1956 and 1964, and that 1968 will be a year in the same quadrennial cycle. Delay in opening the Assembly in 1968 would considerably simplify the planning of the conference, but is now such an uncertain prospect that it must here be left out of account.

however, be held after the end of the Assembly in January, and thus there would be an interval of nearly a year between the two parts. Though this solution might produce a certain loss of momentum, it may be the most practical one.

VIII. COMMITTEES OF THE CONFERENCE OTHER THAN MAIN COMMITTEES

30. It may be assumed that the conference would have, in addition to a committee of the whole or two main committees, the other organs which have been usual at codification conferences. These would include:

(a) A General Committee of possibly twenty-one members (as at the Conference on Consular Relations⁸), composed of the President of the Conference (who would preside over the Committee), the Chairman of the Committee of the Whole or the chairmen of the main committees, and as many Vice-Presidents of the conference as are necessary to make up the total of twenty-one members;

(b) A Drafting Committee. While for effectiveness of work it is desirable to keep the Drafting Committee as small and as highly qualified as possible, political and geographical considerations may require a membership of fifteen,⁹ to allow the composition to follow the model of the Security Council. The functions of the Drafting Committee are discussed in paragraphs 42-43 below;

(c) A Credentials Committee of nine members, as at the General Assembly and all codification conferences except that on statelessness (where the President and Vice-Presidents examined credentials).

31. The Drafting Committee and Credentials Committee would each elect a single presiding officer, the Chairman, in accordance with the general practice of such committees.

IX. DRAFT RULES OF PROCEDURE OF THE CONFERENCE

32. As has been stated above, the rules of procedure of the first and second Conferences on the Law of the Sea and the Diplomatic and Consular Conferences are substantially similar, while the rules of the Conference on Statelessness, being designed for a conference of relatively limited participation, were on a different model. The rules of the four conferences are mainly based on or inspired by the rules of procedure of the General Assembly. The following Assembly rules are the basis for rules of the four conferences: 25-29, 31-39, 41-42, 45-47, 51-56, 69-84, 88-98, 101-102 and 105.

33. The main differences from the General Assembly's rules are dictated by the different nature of the work of a conference. Some of the more important of the provisions which differ from those of the General Assembly will be examined hereafter.

34. *Basic Proposal.* The rules of the Diplomatic and Consular Conferences provide in rule 29 that "The draft articles adopted by the International Law Commission shall constitute the basic proposal for discussion by the Conference." It is desirable to maintain this rule,

⁸ At the first and second Conferences on the Law of the Sea the General Committee was composed of nineteen members. At the Conference on Diplomatic Intercourse and Immunities it consisted of twenty-two members.

⁹ The Drafting Committee at the first Conference on the Law of the Sea and the two Vienna Conferences were composed of nine and twelve members respectively.

which makes explicit a basic assumption made by the General Assembly in convening codification conferences.

35. *Voting.* While the rules of procedure of the General Assembly provide for voting in accordance with the relevant provisions of the Charter, the rules of the two Conferences on the Law of the Sea and of the Diplomatic and Consular Conferences provided that in the plenary, decisions on matters of substance should be taken by a two-thirds majority of the representatives present and voting, and decisions on matters of procedure should be taken by a simple majority of such representatives; in committees and sub-committees, however, all decisions were taken by a majority of the representatives present and voting, except in the case of reconsideration. These rules were adopted as the most suitable after exhaustive consideration of the alternatives by the experts appointed to advise the Secretary-General on the preparation for the first Conference on the Law of the Sea.

36. It was suggested by the representative of Austria that this system of voting led to a vagueness in the resulting text as political compromises had to be made to secure a two-thirds majority in plenary.¹⁰ The voting methods of a conference on the law of treaties will no doubt merit the attention of the General Assembly when it comes to decide whether to convene such a conference. There are numerous and varied precedents in the rules of procedure of United Nations conferences.

37. The same voting rule as in the four codification conferences has been adopted by certain other United Nations conferences called upon to draft conventions, e.g., the United Nations Conference on International Commercial Arbitration, 1958, the United Nations Conference for the Adoption of a Single Convention on Narcotic Drugs, 1961, and the United Nations Conference on Transit Trade of Land-locked Countries, 1965.

38. On the other hand, a rule requiring only a simple majority for all decisions has sometimes been adopted. The Conference on the Elimination or Reduction of Future Statelessness, 1959 and 1961, and a number of other United Nations conferences including the United Nations Maritime Conference, 1948, the Conference on Freedom of Information, 1948, the United Nations Conference on Road and Motor Transport, 1949, the Conference on Declaration of Death of Missing Persons, 1950, the Conference on the Status of Refugees and Stateless Persons, 1951, the Conference on Maintenance Obligations, 1956, and the Conference of Plenipotentiaries on a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, all adopted a rule providing that decisions on all questions were made by a simple majority of representatives present and voting.

39. The Conference on the Statute of the International Atomic Energy Agency, 1956, had a rule whereby decisions to amend the provisions of the existing basic draft were taken by a two-thirds majority and—unless otherwise provided for—all other decisions were taken by a simple majority.

40. The Hague Codification Conference in 1930 had very complicated provisions¹¹ whereby committees could embody in draft conventions or protocols any pro-

visions adopted by a two-thirds majority of the delegations present; provisions which had secured only a simple majority could be the object of special protocols if requested by at least five delegations and decided by simple majority; and recommendations and *vœux* could be adopted by simple majority. In the full conference, however, all texts had to obtain only a simple majority of the delegations present. Thus The Hague Conference followed nearly the converse of the rules of the United Nations codification conferences.

41. Thus, on the basis of precedent, there is a wide choice concerning methods of voting. It may be doubted, however, that any other method would produce markedly superior results to the one used at the four codification conferences. A requirement of more than a simple majority at the committee stage might well have the effect of preventing the adoption of important parts of a draft convention. A vote by simple majority in committee allows the conference to know accurately the views of delegations on the issues presented, and to take all necessary steps to arrive at compromise solutions. Moreover, the requirement of a two-thirds majority in plenary seems important in the case of a codification conference as the resulting text must obtain the widest acceptance if it is to serve its purposes. In the informal consultations with the International Law Commission, all of the members who spoke on the subject favoured a two-thirds voting rule for final decisions on questions of substance.

42. *Drafting Committee.* One of the essential differences between the procedure of a codification conference and the General Assembly is that all of the conferences except the second Conference on the Law of the Sea have had Drafting Committees. The Drafting Committee at the first Conference on the Law of the Sea and the Conference on Diplomatic Intercourse and Immunities were "responsible for the final drafting and co-ordination of the instruments approved by the countries of the Conference". This rule was revised for the Conference on Consular Relations to provide that the Drafting Committee, in addition to responsibilities and co-ordination of all texts adopted, whether by the committees or the plenary, "shall give advice on drafting as requested by other committees and by the Conference". Thus the competence of the Drafting Committee at the Consular Conference was broader than under the other rules, and it reviewed not only the texts approved by the committees of the Conference, but also those approved by the plenary itself, before those texts were finally adopted; moreover, there was a provision for advice by the Drafting Committee at stages earlier than adoption of texts. The rule as formulated for the Consular Conference worked well in practice, and should be followed in any future conference.

43. In the informal consultations with the International Law Commission, it was agreed by the members that the Drafting Committee should be given broad authority regarding the drafting and co-ordination of the text. Some members suggested that a procedure should be followed like that in the International Law Commission whereby, after discussion and before texts are put to a vote, the Drafting Committee examines the points of view expressed and tries to formulate a text that will be generally satisfactory.

44. Some of the conferences have used less formal drafting groups to prepare texts on certain questions. While this practice is useful in settling political differences, it would seem preferable to refer all problems

¹⁰ See *Official Records of the General Assembly, Twentieth Session, Sixth Committee*, 851st meeting, para. 23.

¹¹ League of Nations, document C. 351.M.145.1930.V, annex 1.

relating to drafting to the Drafting Committee, which can take an over-all view of the whole of the draft articles.

45. *General Committee.* The first Conference on the Law of the Sea and the Conference on Consular Relations both had more than one main committee, and consequently a possible need for the co-ordination of the work of committees was apparent. The rules of those two conferences, therefore, provided that committees could refer questions affecting the co-ordination of their work to the General Committee which might make such arrangements as it thought fit, including the holding of joint meetings of committees or sub-committees and the establishment of joint working groups. At the first Conference on the Law of the Sea, in particular, the General Committee played a very active part in co-ordinating the work of the various committees of the Conference. Rule 50 of the rules of procedure of the Consular Conference had a provision inspired by rule 42 of the General Assembly, to the effect that the General Committee might meet from time to time to review the progress of the conference and its committees and to make recommendations for furthering such progress; it would also meet at such other times as the President deemed necessary or upon the request of any other of its members. This rule was, in fact, acted upon during the Consular Conference, when the General Committee made various recommendations concerning the progress of the conference. It seems a useful addition which should be incorporated in the rules of a conference on the law of treaties. One member of the International Law Commission suggested that, if divergencies arose between the main committees of the conference, the plenary conference should at once meet to settle the matter. If this procedure seems useful at the conference, it could be arranged through a recommendation of the General Committee.

46. *Experts and observers.* The rules of the four conferences provide that the conference "may invite to one or more of its meetings any persons whose technical advice it may consider useful for its work". This rule has generally been applied through the invitation of experts, in particular of the persons who served as Special Rapporteurs of the International Law Commission on the topic being considered by the conference, and it is assumed that similar arrangements should be made in advance of a conference on the law of treaties. One member of the International Law Commission stressed that the Special Rapporteur and the Secretariat should be entitled to give explanations of the Commission's draft, so that there would be no risk of misunderstanding it in the conference.

47. There is also a rule on observers of specialized agencies and inter-governmental bodies invited to the conference, who may participate, without the right to vote, in the deliberations of the conference and its main committees, upon the invitation of the President or Chairman, and may also have their written statements distributed to delegations.

48. *Division of proposals and amendments.* The representative of Austria raised the question whether rules based on those of the General Assembly were really appropriate to the proceedings of a codification conference and whether additional changes might not be advisable.¹² In particular, he expressed the view

¹² See *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 851st meeting, para. 23.*

that the application of rules like General Assembly rule 91 on division of proposals and amendments and rule 92 on voting on amendments had unfortunate effects. Though the application of these rules may sometimes be complicated, in the view of the Secretariat they are necessary to the work of a codification conference. If restrictions are placed upon the possibility of separate vote on parts of proposals or amendments, the result may be that the whole proposal or amendment is rejected, and that may have more serious effects than would be the case if only a few words are deleted.

49. *Order of voting on amendments.* While the rule on voting on amendments may sometimes be complicated to apply in view of the fact that the amendment "furthest removed in substance from the original proposal" must be voted on first, some order of priority must be set for voting on amendments, and the "furthest removed" rule is no more difficult to apply than any other system would be.

50. *Limitation of the number of speakers on motions for division.* It must be observed, however, that in codification conferences there have been special difficulties in observing the provisions of rules based on Assembly rule 91 to the effect that when a motion for division has been made, "permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against". The effect of the deletion of a few words from complicated legal texts like those before codification conferences is often difficult to understand at first, since other related provisions of the draft may be affected. While the limitation of the number of speakers on a motion for division is useful in the General Assembly, which generally considers simpler texts and where motions for division are generally made late in the debate upon particular proposals and amendments, the circumstances are different in codification conferences where such motions are sometimes made at the very outset, and can scarcely be dealt with until a considerable number of delegations have had an opportunity to express their views. It is therefore suggested that in the rules of future codification conferences the sentence quoted above limiting the number of speakers on the motion for division should be omitted.

51. *Powers of the President.* The representative of Austria also suggested that:

"... It would be desirable for the President to be able to suspend a meeting or adjourn debate on an agenda item in order to give delegates time for reflection. In addition, the President should be authorized to suspend a meeting briefly for the purpose of consulting with heads of delegations, vice-presidents of the conference or a representative of the United Nations Secretariat. Furthermore, delegations should have the possibility of moving the short suspension of a meeting, in order to ascertain, by examination and by consultation, the legal implications of new amendments or of a proposed separate vote. At a codification conference delegations should even be encouraged by the chairman to ask questions concerning the legal implications of amendments and of a proposed separate vote."¹³

52. As for the suggested conferment on the President of the power to suspend a meeting or adjourn a debate, it is to be expected that a conference would

¹³ *Ibid.*, para. 24.

normally agree to such suggestions out of courtesy to its President, whenever he felt such measures were necessary to untangle a difficulty. There may be doubts, however, about giving the President an absolute right to such measures by means of the rules of procedure, since to do so might be in conflict with the rule, based on rules 36 and 109 of the General Assembly, which enunciates the fundamental principle that the President, in the exercise of his functions, remains under the authority of the conference. The other suggestions of the representative of Austria seem likewise better to leave to practice than to incorporate in formal rules.

X. SUMMARY AND CONCLUSIONS

53. The present memorandum, in accordance with the requests of delegations at the twentieth session of the General Assembly, is based on the hypothesis that a conference of plenipotentiaries on the law of treaties will be held, as has now been recommended by the International Law Commission, but is not intended to prejudice the decision of the General Assembly on that question.

54. The draft articles on the law of treaties are closely interrelated, and the draft is the most complex which the Commission has ever prepared (see paras. 6-7 above). These facts make necessary the thorough preparation of a conference, in which Governments and depositaries would have a new chance to consider and comment on the draft articles as finally redrafted, rearranged and approved by the Commission in 1966 (see paras. 8-9 above). This need means that a conference could begin no earlier than the spring of 1968, or possibly later if it is desired to leave a longer interval for preparation. In the interval, the Secretariat would prepare a draft agenda, draft rules of procedure, a memorandum on methods of work and procedures, a guide to the draft articles and a bibliography (see para. 10 above). There would be no need to provide for other formal steps in preparation for a conference, but it would be hoped that Governments would use the time for informal discussions of the main issues.

55. The question arises whether the draft articles can appropriately be divided between two main committees, or whether on the other hand they must be dealt with by a Committee of the Whole, in preparation for their final adoption by the plenary conference (see paras. 14-15 above). On this question the opinions expressed in the International Law Commission were

nearly equally divided. One division of the draft articles which might be considered is between those dealing with the birth of treaty obligations and events during their life, and the articles dealing with the modification, invalidity and termination of such obligations. Various general provisions at the beginning and end of the draft, as well as the preamble and final clauses of the convention, the Final Act of the conference, and any other texts which had to be prepared, could be referred to whichever committee made the best progress in its work (see paras. 16-17 above).

56. It appears that a conference which had a Committee of the Whole would last about thirteen weeks, and that one which divided up the work between two main committees would last about ten weeks (see paras. 18-24 above). On balance, it appears that it would be advantageous to divide the conference into two parts, the first consisting principally of the committee stage and the examination by the Drafting Committee of texts prepared at that stage, and the second part consisting of final consideration and adoption by the plenary conference. If the first part begins in February of one year, the second part could perhaps most easily be held in January of the following year (see paras. 25-29 above).

57. It is presumed that the conference would have the usual specialized committees including a General Committee, a Drafting Committee and a Credentials Committee (see paras. 30-31 above).

58. The draft rules of procedure of a conference would mainly follow those of previous codification conferences (particularly the Conference on Consular Relations) which are based on the rules of procedure of the General Assembly (see paras. 32-52 above). The only departure would be in the rule on division of proposals and amendments, where in the light of experience at previous conferences it seems undesirable to limit the number of speakers on a motion for division (see para. 50 above).

59. The present memorandum does not attempt to deal with the financial implications of holding a conference nor with its general bearing on the pattern of United Nations conferences, because at the present time there are several basic choices which remain open for discussion. After the discussion in the Sixth Committee has proceeded to a point where the general current of opinion has become clear, appropriate statements will, if necessary, be made on those matters.

DOCUMENT A/C.6/L.600*

Preliminary estimates of costs of a diplomatic conference on the law of treaties

Note by the Secretary-General

[Original text: English]
[19 October 1966]

1. The procedural and organizational problems involved in a possible diplomatic conference on the law of treaties have been described in a memorandum by the Secretary-General (A/C.6/371). At the 904th meeting of the Committee on 6 October 1966, it was requested that the Secretary-General should prepare

estimates of the financial implications of the conference on the basis of all of the alternatives set forth in the above-mentioned memorandum, namely:

(a) That the conference should have two Main Committees, or alternatively, that it should have only a single Committee of the Whole;

(b) That the conference should be divided into two parts, one being held early in 1968 and the other early

* Incorporating document A/C.6/L.600/Corr.1.

in 1969, or alternatively, that it should complete its work at a single session beginning early in 1968;

(c) That the conference should be based on United Nations Headquarters in New York, or alternatively, that it should be based on the United Nations Office at Geneva.

2. The Secretary-General provides, in an annex to this report, a statement of the estimated costs taking into account the various alternatives listed in paragraph 1 above. The programme of conferences and meetings for 1968 has not, as yet, been determined. Furthermore, in view of the significant growth of the annual programme during the past few years to which the Secretary-General has made constant reference in his recent annual budget estimates and to which also the Advisory Committee on Administrative and Budgetary Questions and the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies established by the General Assembly at its twentieth session (resolution 2049 (XX)) have expressed considerable concern, the Secretary-General has felt it prudent to base his cost estimates on the assumption that all of the language and conference servicing staff required to service a conference on the law of treaties would have to be supplementary to the existing staff of Conference Services both at Headquarters and Geneva. In the event that the programme of meetings for 1968 showed some diminution in comparison with the past few years and thus it became possible to utilize some of the existing staffing resources for the servicing of the conference, there would be a corresponding reduction in the level of the costs involved. The extent, however, to which these possibilities might exist cannot be forecast at this time. The estimates further assume that the total num-

ber of staff required to service the conference would be essentially the same whether it is held in New York or at Geneva. The principal reasons for the difference in the cost estimates between these two centres is accounted for by the following factors:

(a) Temporary conference staff employed in Geneva would be required to travel shorter distances from their respective countries than would be the case if the meetings were held in New York. As a consequence there would be a reduction in the estimates in regard to expenses for travel of staff;

(b) The established daily subsistence rate at Geneva is \$15 per day as compared to \$22 a day in New York. Thus, at Geneva there would be some reduction in the costs for subsistence payments to staff;

(c) On the other hand, if the conference were held in Geneva it would be necessary to assign language staff for Chinese from Headquarters to Geneva since the Geneva Office has no permanent staff in this language. This would involve additional costs for Geneva as compared to New York in regard to travel and subsistence payments for the Chinese language staff;

(d) Furthermore, if the conference is held at Geneva it would also be necessary to send the substantive staff required for the servicing of the conference from Headquarters to Geneva involving expenses for travel and *per diem* which would not arise if the meetings were held in New York;

(e) Finally, if the conference is to be held at Geneva some minimum reinforcement would be required in the form of temporary staff to serve as *huissiers*, cleaners, guards and messengers.

3. These factors have been taken into account in calculating the estimated costs shown in the annex.

ANNEX

	Two main committees, Conference in two parts		Two main committees, Conference in one part		Committee of the Whole, Conference in two parts		Committee of the Whole, Conference in one part	
	New York	Geneva	New York	Geneva	New York	Geneva	New York	Geneva
	United States dollars							
I. Interpreters	80,287	77,278	91,190	88,884	66,975	67,674	63,325	64,662
II. Pre-conference documentation 1967								
(a) Translation	14,000	14,000	14,000	14,000	14,000	14,000	14,000	14,000
(b) Typing	4,375	4,375	4,375	4,375	4,375	4,375	4,375	4,375
(c) Reproduction	14,500	14,500	14,500	14,500	14,500	14,500	14,500	14,500
TOTAL	32,875	32,875	32,875	32,875	32,875	32,875	32,875	32,875
III. In-session documentation 1968/1969								
Committee stage:								
(a) Translation	52,200	37,950	52,200	37,950	52,200	37,950	52,200	37,950
(b) Typing	7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
(c) Reproduction	26,000	26,000	26,000	26,000	26,000	26,000	26,000	26,000
Plenary stage:								
(a) Translation	30,924	22,500	30,924	22,500	30,924	22,500	30,924	22,500
(b) Typing	3,125	3,125	3,125	3,125	3,125	3,125	3,125	3,125
(c) Reproduction	11,500	11,500	11,500	11,500	11,500	11,500	11,500	11,500
TOTAL	131,249	108,575	131,249	108,575	131,249	108,575	131,249	108,575

ANNEX (continued)

	Two main committees. Conference in two parts		Two main committees. Conference in one part		Committee of the Whole, Conference in two parts		Committee of the Whole, Conference in one part	
	New York	Geneva	New York	Geneva	New York	Geneva	New York	Geneva
<i>United States dollars</i>								
IV. <i>Summary Records</i>								
Committee stage:								
(a) Translation	101,028	64,428	101,028	64,428	112,661	77,130	112,661	77,130
(b) Typing	15,000	15,000	15,000	15,000	6,750	6,750	6,750	6,750
(c) Reproduction	47,000	47,000	47,000	47,000	42,500	42,500	42,500	42,500
Plenary stage:								
(a) Translation	50,514	32,214	50,514	32,214	50,072	34,280	50,072	34,280
(b) Typing	7,500	7,500	7,500	7,500	3,000	3,000	3,000	3,000
(c) Reproduction	23,500	23,500	23,500	23,500	18,888	18,888	18,888	18,888
TOTAL	244,542	189,642	244,542	189,642	233,871	182,548	233,871	182,548
V. <i>Printed Proceedings</i>								
(a) Summary Records	80,000	80,000	80,000	80,000	57,500	57,500	57,500	57,500
(b) Preparatory documents, reports, etc.	37,500	37,500	37,500	37,500	32,000	32,000	32,000	32,000
TOTAL	117,500	117,500	117,500	117,500	89,500	89,500	89,500	89,500
VI. <i>Certified copies</i>	3,900	3,900	3,900	3,900	3,900	3,900	3,900	3,900
VII. <i>Substantive staff</i>								
(a) Travel and <i>per diem</i>	—	48,510	—	35,280	—	55,125	—	41,895
(b) Local staff support	—	2,786	—	2,706	—	3,622	—	3,542
(c) Consultant	6,528	5,010	5,784	4,780	8,040	6,375	7,296	6,145
TOTAL	6,528	56,306	5,784	42,766	8,040	65,122	7,296	51,582
VIII. <i>Buildings management staff</i>	—	10,000	—	10,000	—	13,000	—	13,000
GENERAL TOTAL	616,881	596,076	627,040	594,142	566,410	563,194	562,016	546,642

DOCUMENT A/C.5/1088

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516

Note by the Secretary-General

[Original text: English]
[23 November 1966]

1. The Sixth Committee at its 918th meeting held on 25 October 1966, in considering the report of the International Law Commission on its eighteenth session, decided to recommend to the General Assembly the adoption of a draft resolution (A/6516, para. 152, draft resolution I), according to the terms of which the Secretary-General would be requested to convene at Geneva or at any other suitable place for which an invitation is received by the Secretary-General before the twenty-second session of the General Assembly, an international conference of plenipotentiaries on the law of treaties, a conference to be in two parts, the first session to be held early in 1968 and the second session early in 1969.

2. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee is required to inform the General Assembly of the effect of the proposal on the budget estimates for 1967, 1968 and 1969 in the event of the adoption of this draft resolution.

3. The programme of conferences and meetings for 1968 has not yet been determined. However, in view of the significant growth of the annual programme during the past few years it is considered prudent to calculate the cost estimates for the proposed conference on the assumption that the existing language and conference servicing staff in Geneva will be fully occupied with other conference activity and that it will therefore be necessary to have recourse to temporary assistance. In the event that the programmes of meetings for 1968 and for 1969 showed some diminution in comparison with the past few years and it thus became possible to utilize some of the existing staff resources for the servicing of the conference, there would be a corresponding reduction in the level of the costs involved. The extent, however, to which these possibilities might exist cannot be forecast at this time.

4. The present cost estimates are based on the following assumptions;

(a) That the first session of the conference in 1968 will be of nine weeks' duration and the second session in 1969 of four weeks' duration;

(b) That the conference will hold two meetings per day, each requiring interpretation into the five official languages and summary records in the working languages of the General Assembly;

(c) That the conference will produce some 860 pages of in-session documentation in the original language for translation into the five official languages; and

(d) That some minimum reinforcement of the Geneva general services staff will be required in the form of temporary staff to serve as ushers, cleaners, guards and messengers.

5. The related cost estimates for 1967, 1968 and 1969 follow:

	<i>United States dollars</i>
(a) <i>Pre-conference documentation, 1967</i>	32,900
It is estimated that some 350 mimeographed pages in the original languages will be produced for distribution in English, French, Spanish, Russian and Chinese involving translation (\$14,000), typing (\$4,400) and reproduction (\$14,500) at Headquarters in 1967.	
(b) <i>First session, 1968 (nine weeks)</i>	389,300
Interpreters: Related costs, including travel and subsistence expenses, of a team of eleven interpreters, three of which will be Chinese to be assigned from Headquarters as the United Nations Office at Geneva lacks permanent staff in this language	39,400
Revisers, translators and précis-writers: Related costs, including travel and subsistence expenses, of a total of 37 language staff to prepare summary records and in-session documentation emanating from some 90 meetings	115,000
Typing assistance for language staff: Salaries and, where applicable, travel and subsistence expenses for 30 stenographer-typists	55,800
Reproduction and distribution of documentation: Salaries of temporary staff to reinforce the appropriate services (\$12,000) and cost of paper and supplies (\$56,500)	68,500
General expenses: Some minimum reinforcement of the staff of the Administrative and Internal Services Section to provide additional ushers, cleaners, guards and messengers	9,000
Substantive staff: Travel and subsistence expenses of 21 substantive staff from Headquarters	32,800
Secretarial assistance for substantive staff: Salaries of 2 locally recruited secretaries	2,500
Consultant: Services of the former Special Rapporteur of the International Law Commission for the	

	<i>United States dollars</i>
duration of the conference (Fee, travel and subsistence expenses)	4,300
Printing: Pre-session documentation, summary records, rules of procedure, proposals, amendments, reports and instruments adopted by the conference during its first session	62,000
(c) <i>Second session 1969 (four weeks)</i>	201,600
Interpreters: Related costs, including travel and subsistence expenses of one team of 11 interpreters for the whole of this four-week session, and of a second team to cover the last two weeks; 6 Chinese language staff to be assigned from Headquarters, as the United Nations Office at Geneva lacks permanent staff in this language	28,300
Revisers, translators and précis-writers: Related costs, including travel and subsistence expenses of a total of 37 revisers, translators and précis-writers to prepare the summary records and in-session documentation emanating from some 40 meetings	56,900
Typing assistance for language staff: Salaries and, where applicable, travel and subsistence expenses for 50 stenographer-typists	25,100
Reproduction and distribution of documentation: Salaries of temporary staff to reinforce the appropriate services (\$5,300) and cost of paper and supplies (\$25,100)	30,400
General expenses: Some minimum reinforcement of the staff of the Administrative and Internal Services Section to provide additional ushers, cleaners, guards and messengers	4,000
Substantive staff: Travel and subsistence expenses of 21 substantive staff from Headquarters	22,300
Secretarial assistance for substantive staff: Salaries of 2 locally recruited secretaries	1,100
Consultant: Fee, travel and subsistence expenses	2,100
Printing: Summary records, proposals, amendments, reports, and instruments adopted by the conference during the second session, including certified copies of the convention	31,400

6. Accordingly, the Fifth Committee might wish to inform the General Assembly that, in the event of the adoption of the draft resolution recommended by the Sixth Committee, additional requirements in the amount of \$32,900 would arise under section 2 (Special meetings and conferences) of the budget for 1967. The requirements for the financial years 1968 and 1969, estimated at \$389,300 and \$201,600, respectively, would be included in the budget estimates for those years.

DOCUMENT A/6528

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[29 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the Secretary-General's note (A/C.5/1088) regarding the financial implications in 1967 of the draft resolution recommended by the Sixth Committee relating to an international conference of plenipotentiaries on the law of treaties (A/6516, para. 152 draft resolution I). The Sixth Committee's action resulted from a recommendation of the International Law Commission at its eighteenth session that such a conference should be convened to study the final text of the Commission's draft articles and incorporate the results of its work in a single convention on the law of treaties.

2. Under the terms of the draft resolution recommended for adoption by the General Assembly, the Secretary-General would be required to convene, at Geneva or at any other suitable place for which an invitation is received before the twenty-second session of the General Assembly, the above-mentioned conference, to be held in two parts—the first session early in 1968 and the second session early in 1969.

3. The Advisory Committee notes that the adoption of the draft resolution by the General Assembly would require an additional credit of \$32,900 under section 2 (Special meetings and conferences) of the budget for 1967 to provide for the translation, typing, reproduction and distribution of the preparatory documentation. The financial implication for the years 1968 and 1969, provisionally estimated at \$389,300 and \$201,600 respectively, would be included in the Secretary-General's initial budget estimates for those years.

4. Although the Advisory Committee is required at this time only to consider the financial implications

relating to 1967, it would point out that should the General Assembly approve the draft resolution the Secretary-General would be called upon to proceed with plans for convening an additional major special conference in 1968. It should be borne in mind that, so far, at least three other major conferences are being planned for that year.

5. On numerous occasions in the past the Advisory Committee has expressed its concern about the size of the conference and meetings programme and the burden placed on the servicing departments and it has proposed that the General Assembly give special and urgent attention to this problem. The Committee would also recall resolution 2116 (XX) of 21 December 1965 by which the General Assembly decided, *inter alia*, that not more than one major special conference of the United Nations shall be scheduled in any one year.

6. The Advisory Committee recognizes the importance attached by Governments of Member States to the convening of an international conference of plenipotentiaries on the law of treaties, and accepts the estimate of financial implications in 1967 for the preparation of pre-conference documentation. It suggests, however, that the General Assembly may wish to give further thought to establishing priorities within the total conference and meetings programme for 1968.

7. The Advisory Committee, having in mind General Assembly resolution 1202 (XII) of 13 December 1957, assumes that, should the conference be held elsewhere than at Headquarters or Geneva, any additional costs to the Organization would be borne by the host Government.

DOCUMENT A/6516

Report of the Sixth Committee

[Original text: English/Spanish]
[21 November 1966]

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I. Introduction

1. At its 1415th plenary meeting, on 24 September 1966, the General Assembly decided to include the item entitled "Reports of the International Law Commission on the second part of its seventeenth session and on its eighteenth session" in the agenda of its twenty-first session and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this item from its 902nd to its 919th meetings, from 3 to 26 October 1966.

3. At the 902nd meeting, the Chairman welcomed Mr. Mustafa Kamil Yasseen, Chairman of the International Law Commission at its eighteenth session, on behalf of the Sixth Committee, and invited him to introduce the Commission's report on the work of that session (A/6309/Rev.1). At the 914th meeting, on 19 October, Mr. Yasseen replied to the general comments made by the representatives who had spoken during the debate, and at the 918th meeting, on 25 October, he congratulated the Sixth Committee on the action taken on the recommendations made by the International Law Commission in its report.

4. The report of the International Law Commission on the second part of its seventeenth session, held in the Principality of Monaco from 3 to 28 January 1966, in accordance with General Assembly resolution 2045 (XX) of 8 December 1965, consisted of the following sections: (a) Introduction; (b) Membership and attendance; (c) Officers; (d) Agenda and meetings; (e) Law of treaties; (f) Resolution of thanks to the Government of Monaco; (g) Organization and duration of the eighteenth session; (h) Co-operation with other bodies; (i) Seminar on International Law.

5. The report of the International Law Commission on its eighteenth session, held at Geneva from 4 May to 19 July 1966, consisted of the following four chapters: (a) Organization of the session; (b) Law of treaties; (c) Special missions; (d) Other decisions and conclusions of the Commission. It also reproduced in an annex the comments of Governments on parts I, II and III of the draft articles on the law of treaties drawn up by the Commission at its fourteenth, fifteenth and sixteenth sessions. In chapter II of the report, the Commission submitted to the General Assembly the final text of the draft articles on the law of treaties with commentaries, together with a recommendation concerning the convening of an international conference on the law of treaties.

6. The final text of the draft articles on the law of treaties adopted by the International Law Commission on 18 and 19 July 1966 was also reproduced in document A/6348 and Corr.1 in accordance with the provisions of paragraph 5 (b) of General Assembly resolution 2045 (XX) of 8 December 1965.

7. The Sixth Committee also had before it a memorandum (A/C.6/371) on the procedural and organizational problems involved in a possible diplomatic conference on the law of treaties, prepared by the Secretariat after informal consultations with the International Law Commission, in accordance with the request of the Sixth Committee at the twentieth session of the General Assembly, set forth in paragraphs 64 and 65 of its report on the agenda item "Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions".¹⁴

II. Proposals and amendments

A. INTERNATIONAL CONFERENCE OF PLENIPOTENTIARIES ON THE LAW OF TREATIES

8. Uruguay submitted a draft resolution (A/C.6/L.595), under which the General Assembly would (1) express its great satisfaction with the work of codification carried out by the International Law Commission and its gratitude to the Commission and to the Special

Rapporteurs for the efforts they had made; (2) urge Governments to communicate their observations on the draft articles not later than 1 September 1967 to the Secretariat, which would circulate them to Governments after that date; (3) recommend the Secretariat to convene an international conference of plenipotentiaries, open to all States, to study the draft articles and to conclude a convention on international treaties; (4) request the Secretariat to organize the conference in question on the following basis: (a) date, first half of 1968; (b) place, Geneva; (c) duration, ten weeks, in one consecutive period, two working committees to be set up to draft the text; (d) procedure, as for the Conference on the Law of the Sea and the Vienna Conferences on Diplomatic and Consular Relations; (e) participants, invitations to be extended to all Governments; (f) safeguards, each provision to be approved by two thirds of the votes of participating States; (5) instruct the Secretariat to bring the basic rules and regulations of the conference to the notice of the General Assembly at its next session. This draft resolution was subsequently withdrawn by its sponsor, who became a sponsor of draft resolution A/C.6/L.596 and Add.1.

9. The draft resolution (A/C.6/L.596 and Corr.1 and Add.1), submitted by Argentina, Canada, Ghana, Iran, Japan, Nigeria, the United Kingdom of Great Britain and Northern Ireland and Uruguay, proposed that the General Assembly should: (1) express its appreciation to the International Law Commission for its valuable work on the law of treaties, and to the Special Rapporteurs for their contribution to that work; (2) decide that an international conference of plenipotentiaries should be convened to consider the law of treaties and to embody the results of its work in an international convention and such other instruments as it might deem appropriate; (3) request the Secretary-General to convoke the conference early in 1968 at ... [place] ... and, if it was necessary, to convoke a second session of the conference early in 1969 at ...; (4) invite States Members of the United Nations, States members of the specialized agencies, States parties to the Statute of the International Court of Justice and States that the General Assembly decided specially to invite to participate in the conference, to send delegations of sufficient size to ensure representation in two main committees of the conference and to include among their representatives experts competent in the field to be considered; (5) invite the specialized agencies and the interested inter-governmental organizations to send observers to the conference; (6) refer to the conference the draft articles in chapter II of the report of the International Law Commission covering the work of its eighteenth session as the basic proposal for its consideration; (7) request the Secretary-General to present to the conference all relevant documentation and recommendations relating to its methods of work and procedures, and to arrange for the necessary staff and facilities which would be required for the conference including such experts as might be necessary; (8) request the International Law Commission to recommend to the conference what portions of the draft articles should be referred to its First Committee, and what portions to its Second Committee; (9) invite Member States to submit their written comments and observations on the final draft articles concerning the law of treaties prepared by the International Law Commission not later than 1 July 1967; (10) request the Secretary-General to circulate such comments so as to

¹⁴ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 87, document A/6090.

facilitate the discussion of the subject at the twenty-second session of the General Assembly; (11) decide to include an item entitled "Law of Treaties" in the provisional agenda of its twenty-second session with a view to further discussion of the draft articles in order to facilitate the conclusion of a convention on the law of treaties at the plenipotentiaries conference convened by the present resolution.

10. Czechoslovakia, Poland and the Union of Soviet Socialist Republics submitted an amendment (A/C.6/L.598) to draft resolution A/C.6/L.596 and Corr.1 and Add.1 with a view to rewording operative paragraph 4 of the draft resolution to read as follows: "4. *Invites* all States to send delegations to participate in the work of the conference". This amendment was made applicable to the successive revised texts of the draft resolution (A/C.6/L.596 and Corr.1 and Add.1) which were subsequently submitted by its sponsors.

11. The sponsors of draft resolution A/C.6/L.596 and Corr.1 and Add.1 submitted a first revision of the draft (A/C.6/L.596/Rev.1), in which operative paragraphs 3 and 4 of the original text were altered to read as follows: "(3) *Requests* the Secretary-General to convoke the conference early in 1968 at ... [place] ... and to convoke a second session of the conference early in 1969 at ...; (4) *Invites* States Members of the United Nations, States members of the specialized agencies, States parties to the Statute of the International Court of Justice, and States that the General Assembly decided specially to invite, to participate in the conference; (5) *Invites* the States referred to in paragraph 4 above to send delegations of sufficient size to ensure representation in two main committees of the conference and to include among their representatives experts competent in the field to be considered;". As a result, operative paragraphs 5, 6, 7, 8, 9, 10 and 11 of the original draft became respectively paragraphs 6, 7, 8, 9, 10, 11 and 12 of the revised draft resolution (A/C.6/L.596/Rev.1).

12. Hungary and the Ukrainian Soviet Socialist Republic submitted an amendment (A/C.6/L.601) to the revised draft resolution (A/C.6/L.596/Rev.1) proposing the addition of the following new paragraph at the end of the preamble: "*Bearing in mind* its resolutions 1665 (XVI), 1910 (XVIII), 2028 (XX), 2032 (XX) and 2077 (XX), which dealt with questions concerning the conclusion of various international agreements, participation in such agreements and the fulfilment of obligations arising from them, and which were addressed to *all States*". This amendment was also made applicable to the second revision of the draft resolution (A/C.6/L.596/Rev.2), which was subsequently submitted by the sponsors. As a result of the vote taken on amendment A/C.6/L.598, amendment A/C.6/L.601 was subsequently withdrawn by its sponsors.

13. Two amendments were submitted to operative paragraph 3 of the revised draft resolution (A/C.6/L.596/Rev.1). One of them (A/C.6/L.602), submitted by Cameroon, sought to change that paragraph to read as follows: "3. *Requests* the Secretary-General to convoke the conference early in 1968 at Geneva or at any other suitable place where an express invitation by a State Member of the United Nations is received". The other (A/C.6/L.603), submitted by Lebanon, worded that paragraph as follows: "3. *Requests* the Secretary-General to convoke, at Geneva or at any other suitable place for which an invitation is received by the Secretary-General before the twenty-second session of

the General Assembly, the first session of the conference early in 1968 and the second session early in 1969".

14. The amendment of Cameroon (A/C.6/L.602) was withdrawn by its sponsor at the 918th meeting. The content of the amendment of Lebanon (A/C.6/L.603) was incorporated in the text of a second revision of the draft resolution (A/C.6/L.596/Rev.2) submitted by the sponsors of draft resolution A/C.6/L.596/Rev.1, together with Bolivia and Chile. The operative part of the second revision of the draft resolution (A/C.6/L.596/Rev.2) read as follows:

"*The General Assembly,*

"...

"1. *Expresses its appreciation* to the International Law Commission for its valuable work on the law of treaties, and to the Special Rapporteurs for their contribution to this work;

"2. *Decides* that an international conference of plenipotentiaries shall be convened to consider the law of treaties and to embody the results of its work in an international convention and such other instruments as it may deem appropriate;

"3. *Requests* the Secretary-General to convoke, at Geneva or at any other suitable place for which an invitation is received by the Secretary-General before the twenty-second session of the General Assembly, the first session of the Conference early in 1968 and the second session early in 1969;

"4. *Invites* States Members of the United Nations, States members of the specialized agencies, States parties to the Statute of the International Court of Justice, and States that the General Assembly decides specially to invite, to participate in the conference;

"5. *Invites* the States referred to in paragraph 4 above to include so far as possible among their representatives experts competent in the field to be considered;

"6. *Invites* the specialized agencies and the interested inter-governmental organizations to send observers to the conference;

"7. *Refers* to the conference the draft articles in chapter II of the report of the International Law Commission covering the work of its eighteenth session as the basic proposal for its consideration;

"8. *Requests* the Secretary-General to present to the conference all relevant documentation and recommendations relating to its methods of work and procedures, and to arrange for the necessary staff and facilities which will be required for the conference including such experts as may be necessary;

"9. *Invites* Member States, the Secretary-General and the Directors-General of those specialized agencies which act as depositaries of treaties to submit their written comments and observations on the final draft articles concerning the law of treaties prepared by the International Law Commission not later than 1 July 1967;

"10. *Requests* the Secretary-General to circulate such comments so as to facilitate the discussion of the subject at the twenty-second session of the General Assembly;

"11. *Decides* to include an item entitled "Law of Treaties" in the provisional agenda of its twenty-second session with a view to further discussion of

the draft articles in order to facilitate the conclusion of a convention on the law of treaties at the plenipotentiaries conference convened by the present resolution."

15. At the 918th meeting, Niger submitted an oral amendment to operative paragraph 3 of revised draft resolution A/C.6/L.596/Rev.2, which sought to replace that paragraph with the following text: "3. Requests the Secretary-General to convocate the conference early in 1969 at Geneva or at any other suitable place for which an invitation is received by the Secretary-General before the twenty-second session of the General Assembly". This amendment was withdrawn later in the same meeting:

16. The Secretary-General submitted a note (A/C.6/L.600) containing preliminary estimates of the financial implications of a conference on the law of treaties prepared on the basis of the possibilities set forth in the memorandum on procedural and organizational problems involved in a possible diplomatic conference on the law of treaties, mentioned in paragraph 7 of this report.

B. REPORTS OF THE INTERNATIONAL LAW COMMISSION

17. Uruguay submitted a draft resolution (A/C.6/L.594) whereby, after noting the reports of the International Law Commission on the second part of its seventeenth session and on its eighteenth session, the General Assembly would: (1) express: (a) its satisfaction and appreciation of the effective action taken to promote the codification of international law and collaboration among the various technical organs; (b) its satisfaction at the support given to the Seminar and the principles indicated for its further development; (c) its agreement with the decisions adopted in regard to the topic "Special Missions" (2) recommend the International Law Commission: (a) to continue its work in connexion with the "Special Missions" and to give constant attention to the following topics: "State Responsibility", "Succession of States and Governments", "Relations between States and Inter-governmental Organizations"; (b) to take account of the work being carried out by the European Committee on Legal Co-operation and the Inter-American Juridical Committee in order to promote the universality of juridical solutions; (c) to encourage the progressive development of the Seminar on International Law; (3) urge States to give their support to the Seminar, welcoming the scholarships offered by the Governments of Israel and Sweden; (4) request the Secretary-General: (a) to invite Governments to make any pertinent comments on the "Special Missions" by 1 March 1967, and to bring such comments to the notice of the International Law Commission and communicate them to Governments; (b) to transmit to the International Law Commission the records of the debates at the twenty-first session of the General Assembly on the reports of the Sixth Committee.

18. The sponsor of the draft resolution subsequently submitted a revised version (A/C.6/L.594/Rev.1), in which paragraph 2 (b) read: "(b) to take account of the work being carried out by the European Committee on Legal Co-operation, the Inter-American Juridical Committee and the Asian-African Legal Consultative Committee in order to promote the universality of juridical solutions;". This draft resolution (A/C.6/L.594/Rev.1) was ultimately withdrawn by its sponsor

who became a sponsor of draft resolution A/C.6/L.597 and Add.1.

19. The last preambular paragraph and the operative part of the draft resolution submitted by Brazil, Canada, Chile, India, Mexico, Nigeria, Uruguay and Yugoslavia (A/C.6/L.597 and Add.1) read as follows:

"The General Assembly,

"...

"Noting further with appreciation that the Office of the United Nations at Geneva organized in May 1966, during the eighteenth session of the International Law Commission, a second session of the Seminar on International Law for advanced students and young government officials responsible in their respective countries for dealing with questions of international law and that the Seminar, which was made possible by the generous contribution of members of the Commission, was well organized and functioned to the satisfaction of all,

"1. Takes note of the report of the International Law Commission on the second part of its seventeenth session and of chapters I, III and IV of the report on its eighteenth session;

"2. Expresses appreciation to the International Law Commission for the work it has accomplished;

"3. Notes with approval the programme of work for 1967 proposed by the Commission in chapter IV of the report on its eighteenth session;

"4. Recommends that the International Law Commission should:

"(a) Continue the work of codification and progressive development of the international law relating to special missions, taking into account the views expressed at the twenty-first session of the General Assembly and the comments which may be submitted by Governments, with the object of presenting a final draft on the topic in the report on the work of its nineteenth session;

"(b) Continue its work on succession of States and Governments, State responsibility and relations between States and inter-governmental organizations, taking into account the views and considerations referred to in General Assembly resolutions 1765 (XVII) and 1902 (XVIII);

"5. Expresses the wish that, in conjunction with future sessions of the International Law Commission, other seminars be organized which should continue to ensure the participation of a reasonable number of nationals from the developing countries;

"6. Requests the Secretary-General to forward to the International Law Commission the records of the discussions at the twenty-first session of the General Assembly on the reports of the Commission."

20. At the 915th meeting, the sponsors of the draft resolution (A/C.6/L.597 and Add.1) orally proposed as its title "Reports of the International Law Commission". They also accepted orally, at the same meeting, the Israel representative's suggestion that the word "contribution" in the last preambular paragraph should be replaced by the word "collaboration".

III. Debate

21. The representatives who took part in the debate on this subject congratulated the International Law Commission on the work it had done at the second part of its seventeenth session and at its eighteenth session,

especially for having submitted final draft articles on the law of treaties and for the progress made on other topics and particularly in the codification of the rules concerning special missions. It was stressed that the Commission's work was having an increasing influence on the theory and practice of international law; emphasis was placed once again on the great importance of the codification and progressive development of international law as a means of strengthening the rule of law in international life, maintaining international peace and security in accordance with the purposes and principles of the United Nations Charter and encouraging coexistence and peaceful co-operation among all States regardless of their political, economic and social systems. Some representatives stressed the important part which the General Assembly, and in particular the Sixth Committee, played in that process through the recommendations which it regularly made to the International Law Commission and the decisions which it adopted with regard to the final drafts which the Commission submitted to it.

22. In conformity with the practice followed in similar cases, some representatives suggested, and the Sixth Committee agreed, that the best way of concluding the consideration of the item would be to recommend to the General Assembly two draft resolutions, one taking note of the reports of the International Law Commission and dealing with the Commission's future work and other matters mentioned in those reports, and the other dealing exclusively with questions related to the convening of an international conference of plenipotentiaries on the law of treaties to adopt a convention on the subject based on the final draft articles submitted by the Commission.

A. LAW OF TREATIES

23. The representatives who spoke in the debate paid a warm tribute, on behalf of their respective delegations, to the International Law Commission for the successful conclusion, during its eighteenth session, of its work on the law of treaties by the adoption and submission to the General Assembly of seventy-five final draft articles on that topic. Many representatives especially congratulated Sir Humphrey Waldock, the Special Rapporteur for the topic, on his invaluable contribution to the work of the Commission.

24. Some representatives stressed the fact that the Commission owed its success in the codification of the law of treaties largely to the spirit of co-operation which prevailed in the Commission and to the working methods it had adopted in conformity with its statute. The International Law Commission, on which the basic legal systems of the world and the chief forms of civilization were represented, could work harmoniously and in close association with the States to whose observations and comments it gave due consideration when revising its preliminary drafts.

25. Many representatives stressed the fundamental importance of the codification of the law of treaties for ensuring legality and the stability of the international legal order. That codification was important because by means of treaties States established, modified or terminated their mutual rights and duties and because treaties, in particular multilateral conventions, had become the primary or main source of international law. On the other hand treaties had steadily increased in number in recent years, ranging over increasingly varied and technical subjects. Consequently, many representa-

tives stressed that the codification of the law of treaties was the Commission's *magnum opus*. The differing philosophies of international law involved in the law of treaties, the complexity and diversity of practice, court decisions and doctrine on the subject, the inherent difficulties of the topic and the far-reaching consequences that codification might entail were cited by those representatives as other factors which made the Commission's accomplishment, after years of constant and patient efforts, doubly praiseworthy. All those representatives regarded the results achieved in the codification of the law of treaties as a very significant landmark in the movement towards the codification and progressive development of international law, and considered therefore that the next steps should be taken very carefully so as not to impair those results. As some representatives pointed out, the failure of the codification of the law of treaties in its final stages would have the gravest consequences in regard to the whole future work of the United Nations directed at the codification and progressive development of international law and would adversely affect the cause of peaceful co-operation among States.

26. It was emphasized in the debate that now that the Commission had submitted final draft articles on the law of treaties, the principal task of the Sixth Committee was to see that that codification was promptly and effectively translated into international legislation, by recommending that the General Assembly should bring the work of codification and progressive development of the law of treaties to its logical conclusion by the most appropriate procedure for the adoption of a multilateral convention on the law of treaties which would give binding force to the principles and rules proposed by the Commission in its draft.

27. Consequently, the representatives who spoke in the debate said that, in view of the recommendation made by the Commission, in conformity with article 23, paragraph 1, of its statute (see A/6309/Rev.1, part II, para. 36), an international conference of plenipotentiaries should be convened to draw up and adopt a multilateral convention on the law of treaties, based on the draft articles prepared by the Commission, to which States could become parties. That new convention on the law of treaties would, like the Geneva Conventions on the Law of the Sea and the Vienna Conventions on Diplomatic Relations and Consular Relations, contribute to the strengthening of legality in international relations and solidarity among States.

28. The opinions expressed in the debate on the law of treaties are set out below in two main sections. The first contains a summary of the observations concerning the draft articles on the law of treaties prepared by the Commission, and the second the views expressed and the conclusions reached with regard to the convening of an international conference of plenipotentiaries on the law of treaties.

1. Draft articles on the law of treaties

29. In the debate some representatives did not consider it useful, for the time being, to comment on the substance of the draft articles on the law of treaties (A/6309/Rev.1, Part II) since their Governments wished to study them in detail and, moreover, the Sixth Committee would have an opportunity at the twenty-second session of the General Assembly to consider the draft articles again before the proposed conference met. Others, on the contrary, asserted that the Sixth

Committee could and should consider the substance of the draft articles at once, and, while reserving the final position of their Governments, they made preliminary comments on the general economy and scope of the draft articles and on some of their specific provisions. Lastly, some representatives thought that the Sixth Committee should also consider particular aspects of the law of treaties which were not embodied in the Commission's draft articles or on which the draft articles, for lack of agreement, offered no solution, so that the opinions expressed might be taken into consideration by the future international conference of plenipotentiaries.

(a) *General economy of the draft*

30. Most of the representatives thought that the draft articles prepared by the International Law Commission were, as a whole, a satisfactory basic proposal for a conference of plenipotentiaries on the law of treaties. Being inspired by logic and the criterion of general acceptability, the draft reflected and recognized the existence of certain essential elements of the international legal order but, at the same time, was founded on respect for the free consent of the parties. Nevertheless, some representatives thought that the draft omitted some points which should have been included and that certain particular provisions were not all that might be desired because they did not fully reflect important principles of contemporary international law, contained purely descriptive propositions, could be simplified, were not sufficiently precise, could create domestic constitutional problems, were based on controversial ideas or upset the general balance of the text. In that connexion, some representatives stressed that the draft articles were closely integrated and that each provision must be considered on its intrinsic merits in its context in the articles as a whole and in the light of the requirements of contemporary international society, and not on the basis of preconceived notions of what the law was or purely idealistic conceptions of what it ought to be.

31. Some representatives, recalling that at previous sessions of the General Assembly a majority of the representatives in the Sixth Committee had spoken in favour of giving the codification of the law of treaties the form of a convention, expressed their satisfaction that the International Law Commission had maintained its decision of 1961 and accordingly had given the final draft articles on the law of treaties the form of a single convention. In that way, the new States which had recently become members of the international community would be able to participate directly in the formulation of the law of treaties, thereby placing the law of treaties on a wider and more secure foundation.

32. A number of representatives welcomed the fact that the draft articles presented a judicious combination of elements *de lege lata* and *de lege ferenda*, progressively developing the law of treaties when and where it was justified and necessary and not merely codifying customary norms. At the same time, some representatives stressed that the draft referred to problems of fundamental importance not only for the law of treaties but for all international law (prohibition of the threat or use of force; *jus cogens*; expression and validity of consent to be bound; relationship of treaties with customary law; loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty, etc.). Others

considered that the codification of the law of treaties proposed in the draft would, if embodied in a convention, serve to prevent a treaty from legalizing gross differences between a party's obligations and its rights in disregard of justice and of the principle of the sovereign equality of States.

33. Many representatives expressed satisfaction at the fact that the draft was based on the fundamental principles of modern international law explicitly or implicitly embodied in the United Nations Charter. Some representatives stressed that the draft explicitly recognized the primacy of the Charter in some of its provisions, for example articles 26, 49, 50, 62 and 70, and added that the position of their respective Governments with regard to particular provisions correctly reflected the fundamental principles of modern international law, especially those set forth in the United Nations Charter. Among those fundamental principles the following were enumerated: the prohibition of the threat or use of force; the sovereign equality of States; non-intervention in the internal affairs of States; the equality of rights and self-determination of peoples; respect for the territorial integrity and political independence of States; good faith in international relations; the peaceful settlement of disputes; the universality of international law.

34. Among the provisions embodying rules or current trends of international law, mention was made of those relating to reservations, consent relating to a part of a treaty, *jus cogens*, fundamental change of circumstances, interpretation, coercion and the consequence of the case of an aggressor State in treaty law. Articles 5, 25, 30, 33, 48 and 49 were cited as examples of provisions concerning the free consent of the parties; articles 11, 12, 13, 25, 30 and 45-49, as examples of provisions concerning the free consent of the parties; articles 15, 23, 27 and 43 as examples of provisions concerning good faith; and articles 16-20 as examples of provisions concerning the universality of international law.

35. A number of representatives commended the draft for having allowed for the mutability of legal phenomena and having adopted a dynamic attitude which took account of the interests of a continuously evolving international community. That attitude was reflected, for example, in the provision relating to a fundamental change of circumstances, in the definition of the term "treaty", which in the draft encompassed the so-called "treaties in simplified form", and in the recognition of the growing role of multilateral conventions as an important or main source of international law which objectivized the will of the parties and gave their consent effects more consistent with the interests of States and of the contemporary international community.

36. The draft was also praised for its efforts to overcome the technical difficulties of treaty law which sometimes arose from the lack of uniformity in State practice in such matters, for example, as full powers, signature, registration and publication, and for having set forth the rules to be applied if the parties to a treaty deliberately or involuntarily omitted certain clauses, such as those relating to ratification, accession, termination or revision, thus making it possible to avoid legal disputes which might affect the effectiveness and real value of treaties.

37. Some representatives said that the draft contained rules of unequal importance which could be

grouped in separate categories. For example, one representative drew a distinction between technical rules (articles 62, 63 and 71-75) and logical rules (article 26, paragraphs 2, 3 and 4, and article 31), as well as between rules concerning the consent of the State to be bound (articles 10, 11, 12, 15-20, 24, 25, 32, 42 and 45-48) and "community" rules of modern international law (articles 43, 49, 50 and 59), which came within the purview of the progressive development of treaty law rather than of its codification. With regard to the rules concerning the consent of the State to be bound, that representative pointed out that while some rules were referred to on proved consent or on the lack of such consent (articles 10, 11, 12, 15-20 and 45-48), other rules presumed the consent of the parties (articles 24, 25, 32 and 53, paragraph 1), or established irrebuttable presumptions (article 17, paragraph 5, and article 42). Another representative considered that the draft indirectly established a hierarchy of rules: first, the peremptory norms of general international law from which derogation was permitted only under a subsequent norm of general international law having the same character (*jus cogens*); secondly, the rules of international law based on international custom or on multilateral treaties, from which derogation was permitted by changing customary law or by concluding new treaties, and lastly, the purely contractual rules of conventional law. Other representatives, on the other hand, considered it premature to divide the articles into categories and attach to them epithets having a doctrinal nuance, for that might easily divert attention from the real issues that the articles raised.

38. Certain representatives also pointed out that some of the draft articles, including those relating to reservations, *jus cogens*, interpretation and fundamental change of circumstances, were controversial and should be examined very carefully before a final decision was taken on their formulation or their inclusion in the future convention on the law of treaties.

39. Some representatives stressed the need to provide for an independent body to adjudicate disputes to which certain draft articles might give rise, particularly in connexion with the articles involving the progressive development of treaty law rather than its codification proper. Those representatives felt that the procedure which the International Law Commission had formulated in the draft, defining and strictly limiting the conditions in which certain articles could be invoked, seemed inadequate, particularly if it was borne in mind that many provisions referred to concepts which were difficult to evaluate, such as good faith or *jus cogens*. According to some of those representatives, the introduction of new principles lending themselves to subjective interpretation, or of imprecise rules and concepts, should be accompanied by satisfactory procedural guarantees. One representative considered that if means of ensuring objective solutions could not be devised it would be preferable to remove from the draft any ideas or provisions which might upset the balance of the whole or introduce an element of uncertainty, leaving the application and interpretation of those ideas and provisions to customary law and State practice.

40. Another representative thought that the draft did not take sufficient account of the influence of the time factor on the effects of the obligations deriving from treaties, and did not always take into account the fact that in many cases treaties, in addition to embodying the will of the parties, set forth principles or rules

of general international law. In that representative's view, those questions should be studied more thoroughly in connexion with the codification of treaty law.

41. Some representatives said that States should study carefully the possible implications which the draft articles on the law of treaties might have for their respective constitutional systems and that their views should be taken into account when the articles of the future convention on the law of treaties were being definitively formulated.

42. Lastly, some representatives felt that the basic principles governing international relations and treaty law should be included in the preamble to the future convention on the law of treaties; in that connexion they mentioned the rule *pacta sunt servanda* and the principles of the independence and sovereignty of States, equality of rights, and non-intervention in the internal affairs of other States. One representative considered that it would be advisable for the future convention on the law of treaties to establish a special system of reservations rather than apply the rule laid down in the draft for cases where a treaty contained no provisions on that subject. Another representative thought that it would be appropriate to comply with the International Law Commission's recommendation that the titles it had given to the parts, sections and articles of its draft should be retained in any convention on the law of treaties which might be concluded, subject perhaps to including in the convention itself or in the final act of the conference a saving clause indicating that the titles were merely indicative and should not be taken into consideration when interpreting the text of the convention.

(b) *Scope of the draft*

43. During the debate, various views were expressed on the scope of the draft articles prepared by the International Law Commission, as explained in paragraphs 28-35 of the report on its eighteenth session (A/5309/Rev.1, part II). Some representatives thought that the Commission had acted wisely in excluding questions which would have been difficult to treat with the thoroughness they deserved within the framework of the codification of treaty law. In addition, it was pointed out that the International Law Commission was or would soon be studying some of those questions in connexion with other items on its programme of work. Nevertheless, many representatives, while appreciating the reasons adduced by the Commission, considered that it had been unwise to exclude from the draft certain aspects of treaty law which in their view should and must be codified if the stability of treaty relationships was to be ensured.

44. Some representatives stressed the need to undertake at the earliest opportunity the codification and progressive development of those aspects of the responsibility of States and State succession which were closely and directly related to treaty law, and criticized the draft articles on the law of treaties because they did not include rules on that subject and merely stated in article 69 that their provisions "were without prejudice to any question that may arise in regard to a treaty from a succession of States or from the international responsibility of a State". A number of representatives said that the draft should have provided for sanctions in cases of non-fulfilment or violation of treaties.

45. Many speakers emphasized the special interest of the new States in the consideration of the effects

of the succession of States on conventional relations established by treaties. As some of those representatives pointed out, new States frequently found themselves involved in conventional relationships deriving from treaties concluded on their behalf by the colonial Powers before they had attained their independence, which often imposed upon them obligations contrary to their real interests. According to those representatives, it would therefore be advisable for the International Law Commission to express an opinion on the legal value of such agreements for new States, which could be done by adding provisions on the succession of States to the draft articles on the law of treaties. Some representatives added that the draft should have unequivocally declared null and void those treaties or agreements which were unequal, unjust or lesionary, in many cases as the result of colonial rule, as, for example, certain agreements concluded by the colonial Powers during colonial domination without regard for the interests of the territories for which they were intended, as the price for the independence of those territories or before the new States had been able to acquire genuine economic independence. According to those representatives, those agreements could not be protected by the rule *pacta sunt servanda*, since the populations of those former colonial territories were not invited to give their free consent to them, and many of the agreements in question were adversely affecting the political and economic structure of new States and developing countries.

46. Other representatives recognized the concern of the new States that the rules governing the succession of States with respect to treaties should be defined as soon as possible, but took the view that they should be codified in connexion with the topic "Succession of States and Governments" rather than as a part of the general law of treaties, as the International Law Commission had decided in 1953, in the light of the recommendation made by the Sub-Committee established in 1962 to study the scope of that topic and the procedure to be followed in studying it. It was also brought out that in codifying that subject, the Commission could not depart from the method of work laid down in its statute, whereby provisional drafts were submitted to Governments for study and comment before being revised and finally adopted, a process which naturally took time, so that it would be physically impossible for a final set of draft articles on the succession of States in respect of treaties to be ready before the meeting of the future conference on the law of treaties.

47. Some representatives also referred to the International Law Commission's decision to exclude from the draft articles any provisions concerning the effects of the outbreak of hostilities upon treaties, and concerning the most-favoured-nation clause and the application of treaties providing for obligations or rights to be performed or enjoyed by private persons, and were of the opinion that these matters should be the subject of careful study. With respect to the most-favoured-nation clause, certain representatives suggested that the question should be considered in the Sixth Committee or at the future conference of plenipotentiaries on the law of treaties. Others were prepared to support any proposal that the Commission should study the most-favoured-nation clause without linking it to the general codification of the law of treaties. In their opinion, the adoption of a convention on the law

of treaties would facilitate the study by the International Law Commission of the problems arising in connexion with that clause.

48. The comments made with regard to the limitation of the draft to treaties concluded between States in written form only are set out in the section of this report concerning comments on specific provisions of the draft articles.

49. One representative pointed out that although it was true that some of the subjects which had been excluded from the draft articles on the law of treaties would be discussed by the International Law Commission at its next session, other topics, such as oral agreements, the effect of the outbreak of hostilities upon treaties, the application of treaties providing for obligations or rights to be performed or enjoyed by private persons, the most-favoured-nation clause, and treaty law in relation to insurgent communities, were not included in the Commission's programme or work. The Sixth Committee should therefore consider all those questions and make such recommendations concerning them as it deemed appropriate.

(c) *Specific provisions of the draft and commentaries*

50. An account of the comments made during the debate on specific provisions of the draft and the accompanying commentaries is given below. These comments have been arranged according to the various parts into which the draft articles are divided and are set forth in the order in which those parts appear in the draft.

Part I. Introduction (articles 1-4)

51. A number of representatives commented on the scope of the draft as it was defined in articles 1 (Scope of the present articles), 2 (Use of terms), and 3 (International agreements not within the scope of the present articles). The limitation of the draft to treaties concluded between States in written form only was approved by some representatives who felt that oral agreements and treaties concluded between States and other subjects of international law, or between those other subjects of international law, presented special features which fully justified the view that the International Law Commission should not consider them in the context of its draft articles. Otherwise, it was claimed, it would have been difficult to reach general agreement on many of the draft articles, or else they would have had to be adapted and revised in such a way that they would have lost some of their clarity and effectiveness.

52. Other representatives, however, regretted that the draft articles were limited solely to treaties concluded between States. In particular, it was emphasized that treaties concluded between States and international inter-governmental organizations, or between the latter, were playing an increasingly important role in the life of the international community today, and were of great importance, above all, to the developing countries. The inclusion of that type of treaty in the draft would have avoided the difficulties and inconveniences to which the adoption of a new convention on it would one day give rise. Some representatives suggested that the International Law Commission should prepare a draft on treaties concluded with international organizations in time for the future conference on the law of treaties to be able to consider that category of treaties also. In view of the time available before the convening

of the conference, others considered that impossible. Lastly, some speakers urged that the International Law Commission should proceed as soon as possible to study that category of treaties in connexion with its agenda item "Relations between States and inter-governmental organizations".

53. While some representatives considered the definition of "treaty" in article 2, sub-paragraph 1 (a), satisfactory, others felt that in its present wording it might create serious constitutional problems for certain States which it would be better to avoid. The use of the word "treaty" as a generic term might give rise to problems in connexion with certain agreements, e.g., agreements in simplified form or so-called executive agreements, which in respect of their conclusion and entry into force, were in many constitutional systems the exclusive prerogative of the chief executive, in the exercise of which no participation by the legislature was necessary.

54. Another representative, on the other hand, said that in his opinion the fears expressed about the use and definition of the term "treaty" in the draft were groundless, since article 2, paragraph 1, explicitly stated that the terms used were defined only "for the purposes of the present articles" and paragraph 2 of that article stated that "The provisions of paragraph 1 regarding the use of terms in the present articles are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State".

55. In the opinion of one representative, the draft provided no criterion for determining when an international agreement was or was not "governed by international law" and he suggested that the criterion should be the intention of the parties, or, perhaps, the "manifested" intention of the parties. Another representative considered that the draft did not make it clear, as it should have done, that the expression "governed by international law" also covered "mixed" treaties, i.e. treaties which though coming under international law were also subject to the national law of one party or a third State.

56. Another representative thought that the definition of "treaty" given in article 2, sub-paragraph 1 (a) was incomplete. In his opinion, it was essential to add that the treaty should be intended to produce certain juridical effects, i.e., to create, modify or extinguish a legal situation. A statement which did no more than express common purposes of a non-compulsory kind and laid down no rights or obligations for the parties making the statement, could not be considered a treaty, although such a statement would come within the definition of "treaty" given in the draft articles.

57. With respect to the terminology used, one representative observed that the expression "treaties concluded between States" in article 1 (Scope of the present articles) seemed to include in the concept of "conclusion" the whole treaty-drafting process, whereas, on the other hand, in Part II of the draft, a distinction was made between the "conclusion of treaties" (section 1) and their "entry into force" (section 3). In that representative's view, it would be better to keep to a single interpretation, rather than to two interpretations, one general and the other restricted, of what was meant by "conclusion", in order to avoid possible difficulties of interpretation.

Part II. Conclusion and entry into force of treaties (articles 5-22)

58. Some representatives said they were gratified that article 5, paragraph 1, of the draft provided that "Every State possesses capacity to conclude treaties" and maintained that it was essential that the future convention on the law of treaties should contain a similar provision. In their view, such a provision was a natural corollary of the principle of the sovereign equality of States, irrespective of differences in their economic, social and political systems, a principle which had been proclaimed in Article 2 of the Charter. The principle in question had been unanimously affirmed by the 1966 Special Committee on the Principles of International Law concerning Friendly Relations and Co-operation among States.

59. Some representatives expressed approval of the International Law Commission's observation, in paragraph 4 of its commentary on article 5, that the term "State" was used in paragraph 1 of that article with the same meaning as in the United Nations Charter and the Statute of the International Court of Justice, i.e., it meant a State for the purposes of international law. One representative considered that it made little sense to make the possession of legal personality a prerequisite to the conclusion of treaties, as draft article 5 purported to do, since cases were known in international law, such as those of the Dominions of the British Commonwealth of Nations at the time of the League of Nations, in which treaty-making capacity had been developed through the very process of entering into international agreements.

60. Some representatives alluded in their statements to the solution given in the draft to the problem of determining when the consent of a State to be bound by a treaty could be expressed merely by signature (article 10), or required subsequent ratification (article 11). Certain representatives, holding that ratification was an optional procedure, approved the fact that the Commission had made the question whether consent to be bound could be expressed by signature or required ratification depend on the intention, explicit or not, of the States which had participated in the negotiations, and had confined itself to specifying how that intention should be determined. Others, however, expressed concern lest the system adopted might reverse the traditional rule relating to ratification, inasmuch as under draft article 11 a treaty did not require ratification in order to bind States unless that requirement was expressly provided for in the treaty itself or the intention to require ratification could be deduced by reference to some of the criteria indicated in that article. One representative said that the rule laid down in article 11 concerning ratification might create difficulties for certain States, since sub-paragraph 2 (c) of article 6 (Full powers to represent the State in the conclusion of treaties) provided that representatives accredited by States to an international conference or to an organ of an international organization "for the purpose of the adoption of the text of a treaty in that conference or organ" were to be considered as representing a State "in virtue of their functions and without having to produce full powers".

61. In connexion with article 12 (Consent to be bound by a treaty expressed by accession), one representative expressed his satisfaction at the fact that the International Law Commission had not made accession to a treaty dependent on its entry into force.

62. A number of representatives criticized the fact that the International Law Commission had not included in its final draft articles on the law of treaties a clause affirming the universality of general multilateral treaties, or at least a rule similar to that laid down in article 8 of its preliminary draft of 1962. In the view of those representatives, the future international conference on the law of treaties should remedy the gap in the Commission's draft articles on that point. General multilateral treaties, they held, should be open to all States concerned, since they regulated matters of interest to all States and the international community and were intended to proclaim or develop principles and rules of international law binding on all States. To limit participation in general multilateral treaties would be equivalent, in their view, to violating the universality of international law and the principle of sovereign equality; it would be contrary to the very nature of those treaties and would adversely affect peaceful cooperation among nations and the progressive development and codification of international law. It was observed that when there were serious problems at issue, States had been wise enough to settle them on the basis of the principle of universality, and the Moscow Treaty prohibiting nuclear tests and the various General Assembly resolutions addressing themselves and appealing to all States were cited as familiar examples. In the view of those representatives, the principle of the universality of general multilateral treaties did not affect the question of the recognition of States or Governments, nor did it limit a State's freedom to conclude multilateral conventions to which only a certain number of States were parties. It was also pointed out by other representatives that the capacity of all States to conclude treaties recognized in draft article 5 was to be understood as meaning that all States possessed the capacity to accede to general multilateral treaties dealing with matters affecting their legitimate interests.

63. Other representatives pointed out that the question of including in the draft articles provisions relating to participation in general multilateral treaties was a controversial one, since it had not yet proved possible to find a formula acceptable to all States; and in view of that fact they felt that the International Law Commission had acted wisely in not making a proposal to that effect in its draft.

64. In the course of the debate, several representatives expressed satisfaction at the fact that in formulating draft articles 16-20 relating to reservations to multilateral treaties the International Law Commission had taken into account the need to encourage the participation of the greatest possible number of States in multilateral treaties, especially those governing matters involving the legitimate interests of all States and the international community as a whole. Those representatives welcomed the rejection of the traditional rule or practice of unanimity in favour of a flexible system more in harmony with requirements of the contemporary international community as a positive contribution to the cause of international co-operation. One representative pointed out that that change was the logical corollary of the acceptance of the principle of majority voting at international conferences.

65. Certain representatives, on the other hand, while acknowledging that international practice and judicial precedents were today more flexible with respect to reservations to multilateral treaties, said that in the final formulation of the relevant articles an effort

should be made to keep recourse to them to a minimum, since they were prejudicial to the unity of international law and the real value of treaties.

66. Other representatives held that the Commission should have drawn all the conclusions implicit in the fundamental principles on which its articles on reservations were based. The effect of an objection to a reservation should be limited to the provision or provisions which were the subject of the reservation, all the other provisions of the treaty remaining in force between the two States concerned. One of the representatives in question expressed the view that sub-paragraph 4 (b) of article 17 should be reversed to provide that the treaty should "enter into force" between the reserving State and the objecting State, unless the latter expressed a contrary intention. Another representative said that paragraph 3 of article 19 was still not entirely satisfactory, since the binding force of the treaty was made contingent on the agreement of the objecting State.

67. Lastly, one representative stressed the fact that the draft did not eliminate all the doubts which might arise in connexion with reservations. He observed that in practice some difficulties might be caused by the use of such expressions as "the reservation is incompatible with the object and purpose of the treaty" (article 16, sub-para. (c)) "a reservation... impliedly authorized by the treaty" (article 17, para. 1) and "the limited number of the negotiating States" (article 17, para. 2) and that the provisions relating to the legal effect of a reservation when there was an objection to it but the objecting State agreed to consider the rest of the treaty in force between itself and the reserving State (articles 17 and 19) would result in the same effect as an accepted reservation.

Part III. Observance, application and interpretation of treaties (articles 23-34)

68. Representatives who referred in their statements to the rule *pacta sunt servanda* laid down in article 23 of the draft, under which "Every treaty in force is binding upon the parties to it and must be performed by them in good faith", claimed that it was not only a fundamental rule of the law of treaties but also the corner-stone of international law as a whole. Some representatives pointed out that the basis for the rule *pacta sunt servanda* was nothing but the principle of good faith which ought to govern international relations, as had been expressly stated in the Preamble and in Article 2, paragraph 2, of the Charter. One representative said that the final formulation of the rule *pacta sunt servanda* should be drafted in the light of the results of the study of the principle of good faith currently being carried out by the General Assembly in connexion with 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". It was also said by some representatives that good faith in the law of treaties was indivisible, and that therefore if it was lacking at the moment when conventional obligations were created, the rule *pacta sunt servanda* could not subsequently be invoked to call for the fulfilment of those obligations.

69. Some representatives asserted that the strict and rigorous observance of treaties was a matter of necessity, and stressed that it was not enough to proclaim the rule *pacta sunt servanda* if it was sub-

sequently ignored in the realities of international life. Observing that the violation of obligations flowing from treaties had been and still was the cause of many serious international conflicts, those representatives emphasized that if the rule *pacta sunt servanda* was in fact robbed of its substance, the very existence of international law, co-operation and peaceful coexistence among States would be placed in jeopardy. It would be useful and advisable to strengthen the rule *pacta sunt servanda* by drawing up juridical declarations which would encourage the strict observance of treaties by all States, large and small.

70. Other representatives said that the rule *pacta sunt servanda* could only be considered binding and be invoked in connexion with treaties "in force"; it was not applicable in the case of treaties which were void *ab initio*. Consequently, the rule *pacta sunt servanda* should be applied in the light of the rules of treaty law which determined when a treaty was "in force" and when it was not, especially those relating to the conclusion, invalidity, termination and suspension of treaties. One of those representatives observed that the peremptory norms of international law, especially those embodied in the Charter and those which set forth the constitutional precepts on which the international community was founded, limited the effects of the rule *pacta sunt servanda*, for the latter could not redeem a treaty which ignored or violated such norms. Lastly, it was argued that the application and interpretation of the rule *pacta sunt servanda* must sometimes be modified by the rule *rebus sic stantibus* when that was called for by equity, justice and the interests of a continuously evolving international community.

71. With regard to draft article 25 (Application of treaties to territory), some representatives considered that treaties applied only to the territories of the parties; they feared that in its present form the provision might result in treaties being applied, without the consent of the population, to territories which had not yet attained their independence. Other representatives were gratified that in article 25 the International Law Commission had avoided any allusion which might associate it with the so-called "colonial clause". With regard to article 26 (Application of successive treaties relating to the same subject-matter), some representatives expressed approval of the fact that the proposed text recognized the primacy of the Charter, in accordance with Article 103 of that instrument.

72. As to the interpretation of treaties (draft articles 27-29), it was pointed out that the International Law Commission had acted correctly in introducing the principle of good faith and at the same time basing interpretation on the will of the parties expressed objectively. One representative also emphasized that sub-paragraph 3 (c) of article 27 wisely provided that "any relevant rules of international law applicable in the relations between the parties" should be taken into account, together with the context. Lastly, another representative said that unless interpretation served to integrate treaties in the process of historical evolution they would have no real effect.

73. With regard to the provisions relating to treaties and third States (articles 30-34), some representatives expressed satisfaction that the International Law Commission had recognized that a treaty did not create either obligations or rights for a third State without its consent (article 30). Those representatives considered that the maxim *pacta tertiis nec nocent nec prosunt* was based on the concepts of the independence

and sovereign equality of States. In that connexion, some representatives referred to the situation of the colonized peoples, which were sometimes bound by treaties in whose conclusion they had not participated. One representative commended the wording of article 32 (Treaties providing for rights for third States), which, in his view, provided that a right in favour of a third State could only be created through a second collateral agreement, but at the same time stipulated that the third State's assent should be presumed so long as the contrary was not indicated. Another representative felt that in the text of article 34 (Rules in a treaty becoming binding through international custom) it should be expressly stated, as in the commentary to the article, that the customary rules referred to were those formulated in a treaty which third States recognize as binding customary law.

Part IV. Amendment and modification of treaties (articles 35-38)

74. No special comments were made on the articles in this part of the draft.

Part V. Invalidity, termination and suspension of operation of treaties (articles 39-68)

75. The only general provisions in section 1 of this part mentioned during the debate were articles 41 (Separability of treaty provisions) and 42 (Loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty). With regard to paragraph 3 of article 41, one representative considered that the definition of the conditions which could be invoked as a ground for invalidating, terminating, withdrawing from or suspending the operation solely of particular clauses of a treaty should be accompanied by a procedural rule which would facilitate their practical application. The recognition in article 42 of the rule concerning loss of a right to invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty was welcomed as an additional proof of the importance which the International Law Commission had attached to the principle of good faith throughout the draft.

76. Some representatives approved the fundamental principles on which the provisions relating to the invalidity of treaties (articles 43-50) were based, and thought that the International Law Commission had acted correctly in protecting the authentic expression of the consent of the parties and embodying it in the system of fundamental principles of modern international law. Other representatives, on the other hand, felt that some of the provisions relating to the invalidity of treaties might introduce uncertainty or insecurity in conventional relations, and suggested that they be revised or deleted.

77. One representative praised the formulation of article 43 (Provisions of internal law regarding competence to conclude a treaty), since no State was entitled to intervene in the internal affairs of other States in order to ascertain whether or not there had been compliance with the constitutional requirements for declaring the will of that State.

78. One representative said that the International Law Commission should have devoted more attention to the time element in connexion with articles such as those relating to error (article 45), fraud (article 46)

or coercion of a State by the threat or use of force (article 49). Another representative held that defects such as error (article 45), fraud (article 46) or corruption (article 47) could not be remedied, and consequently felt that in such cases a treaty should have been declared void *ab initio*. Some representatives considered that the International Law Commission had acted wisely in providing in the draft for the corruption of a representative of the State (article 47).

79. A number of representatives commended the draft for establishing, in conformity with contemporary international law, that the coercion of a State by the threat or use of force (article 49) and the coercion of a representative of the State (article 48) vitiated consent and invalidated any treaty. It was also considered highly appropriate that the principles of the United Nations Charter should be mentioned in article 49.

80. One representative observed that under draft article 49 not only "the threat or use of force" but also "violation of the principles of the Charter of the United Nations" must have occurred in order to invalidate a treaty. He recalled the development and evolution of international law with regard to the prohibition of the threat or use of force in international relations, beginning with Articles 10-15 of the Covenant of the League of Nations and the Briand-Kellogg Pact, and pointed out that Article 2, paragraph 4, of the Charter prohibited not only war but any 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.

81. A number of representatives regretted that the present text of article 49 referred only to the "threat or use of force" without expressly mentioning other forms of coercion of a political or economic nature which vitiated consent. Some of those representatives said that the word "force" in article 49 should be interpreted as including all forms of political and economic coercion, so as to provide special protection for the newly independent States.

82. Other representatives thought that the International Law Commission had been wrong in dismissing, in its commentary on article 49, the retroactivity of the provision formulated in that article. They considered it inadmissible for the rule not to apply to treaties whose conclusion had been procured by the threat or use of force before the entry into force of the Charter and said that that would conflict with Article 103 of the Charter, which made no distinction between treaties concluded before and those concluded after its entry into force. One representative stressed that any treaty imposed by the threat or use of force in violation of the principles of the Charter was absolutely void *ab initio*, for a defect vitiating consent was involved which violated a constitutional principle of the Charter.

83. The provisions of the draft relating to peremptory norms of general international law (*jus cogens*) as grounds for the nullity (article 50) or termination (article 61) of treaties and to the legal consequences of that nullity or termination (article 67) were viewed as very important and significant by the representatives who referred to them in the debate. The nature of *jus cogens*, its basis, content and effects, and the desirability and objectives, in terms of the draft as a whole, of the provisions dealing with it were the subject of many varied comments.

84. Some representatives said that the provisions of the draft articles referring to *jus cogens* reflected a modern conception of international law and that the Commission had done well to make *jus cogens* part of the law of treaties. In their opinion, the principle of the consent of the parties was no longer of itself sufficient for a treaty to be valid if the treaty was contrary to the norms of international law having the character of *jus cogens*. That implied, according to them, a considerable strengthening of the rule of law in the international legal order; an effort should be made to strengthen that trend still further so as to prevent the real significance of *jus cogens* from being adulterated or limited. States could no longer modify their relations with one another by violating the principles binding on all States or turn forbidden practices into rules of international law.

85. According to some representatives, the norms of *jus cogens* were already an integral part of the body of norms which constituted the law of nations. The justification for the norms of *jus cogens* was to be sought in the fact that the existence of a harmonious international legal order was in the interest of the international community, a point recognized, it was recalled, in the commentary on article 50. They were intended mainly to prevent the use of treaties as a screen to conceal actions conflicting with the principles of contemporary international law. Those representatives thought that the content of *jus cogens* should be defined by reference to the law of the United Nations Charter, the predominance of which was proclaimed in Article 103, and especially to those important Charter principles which had the character of basic norms of contemporary international law, for example, the principle of the prohibition of the threat or use of force, the principle of the peaceful settlement of disputes, the duty not to intervene in matters within the domestic jurisdiction of any State, the principle of sovereign equality of States, and the principle of equal rights and self-determination of peoples. Those representatives were opposed to drawing up a restrictive list of norms of *jus cogens*, since as international law evolved new norms of *jus cogens* would gradually be added to the existing ones; they favoured the idea of a statement in general terms, as in the draft.

86. In this connexion certain representatives considered that the norms of *jus cogens* limited the rule *pacta sunt servanda*, since by virtue of those norms not all treaties were protected by international law. They maintained that treaties imposed by force in violation of the principles of the United Nations Charter and unjust or leonine treaties were contrary to existing norms of *jus cogens* and hence void.

87. Other representatives recognized that the very idea of *jus cogens* reflected and recorded an emergent public order of the international community, but that it had still not been accepted by all as *lex lata* and its content was disputed. In the view of those representatives, the basic question was to identify such peremptory norms having the character of *jus cogens* as already existed, and to determine how new norms of *jus cogens* might come into existence, become established and secure recognition as such. Those representatives, raising the question whether the Purposes and Principles proclaimed in Chapter I of the Charter could be regarded in their entirety as *jus cogens*, stressed that the International Law Commission in its commentary on article 50 had singled out only one, namely, the principle

concerning the use of force, as "a conspicuous example" of a peremptory norm of general international law. That commentary stated, moreover, that the majority of the rules of international law did not have that character. It added that, although Article 103 of the Charter stipulated that obligations under the Charter "should prevail", the basic idea in that Article was not so much the invalidity of a treaty *ab initio*, as where a norm of *jus cogens* was involved, but rather the question of a conflict between two groups of obligations when it came time for performance. Because of those difficulties, it was noted, the Commission had been satisfied to formulate the doctrine of *jus cogens* in general terms in the draft, leaving its content "to be worked out in State practice and in the jurisprudence of international tribunals".

88. Other representatives considered that an enumeration such as that in the commentary on article 50 could not take the place of a precise definition and that consequently the article in question would be difficult to accept. Otherwise, States would bind themselves without knowing fully the scope of the obligations assumed, and that would inevitably give rise to differences of interpretation. The question could be solved by providing in the draft for compulsory jurisdiction to determine whether a specific norm of international law had the legal status of *jus cogens*, but article 62 of the draft did not establish such jurisdiction.

89. Other representatives said that the commentaries on articles 50, 61 and 67 made it possible to determine with reasonable accuracy whether a given rule of international law constituted *jus cogens*. In that connexion, one representative indicated that treaties violating human rights or the principle of self-determination, treaties favouring the slave trade, piracy or genocide, and treaties contemplating an unlawful use of force contrary to the principles of the Charter would violate norms of general international law having the character of *jus cogens* and would therefore be void. Another representative stressed that, in draft article 50, the International Law Commission gave a formal definition of peremptory norms (*jus cogens*) but not a definition of the nature of such norms. Given the examples cited in the commentary on that article, however, it could be asked, in that representative's view, whether the draft itself did not contain one or more norms of *jus cogens*, for example the norms stated in article 23 (*pacta sunt servanda*) and in article 50 itself.

90. In the opinion of one representative, it seemed inappropriate, in the commentary on article 50, for the International Law Commission to assert the non-retroactive character of the norm stated in that article, whereas another representative, on the other hand, found it hard to accept the idea that the emergence of a new peremptory norm of general international law should necessarily have the effect of annulling not only future but also existing treaties.

91. In the light of draft articles 50, 61 and 67 and the relevant commentaries, one representative considered that there were two kinds of peremptory norms of general international law which could be overridden only by another peremptory norm of the same character: the general principles of law on which any legal order must rest and the general principles of international law; and the rules and principles which represented as it were a "constitution of the international community". In that representative's opinion, the idea of an international constitution clarified the notion of peremp-

tory norms although even that idea did not make it possible to define the nature of such norms, because the international community had as yet no procedure for creating such norms and because international conferences had never declared that a specific article of a convention was a peremptory norm. Accordingly, that representative thought that the forthcoming conference of plenipotentiaries on the law of treaties should endeavour to define some of the rules which it would lay down in the convention as rules of *jus cogens*, since it would have the authority to do so.

92. Lastly, one representative thought that the work of the General Assembly on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter might prove very helpful by clarifying points of consensus and disagreement on the idea of *jus cogens* and thus prepare the ground for general understanding of the content of that idea.

93. The formulation of articles 51 to 60 in part V, section 3 of the draft dealing with the termination and suspension of the operation of treaties was approved in general terms by certain representatives. Nevertheless, one representative considered that article 55 (Temporary suspension of a multilateral treaty by consent between certain of the parties only) involved risks and did not seem to be entirely in accord with the practice of States. Another representative suggested the addition of a sentence, for example in article 58 (Supervening impossibility of performance) providing for the automatic termination of treaties as the result of the fulfilment of all the obligations assumed in it by the parties. According to still another representative, the present wording of paragraph 1 of article 53 (Denunciation of a treaty containing no provision regarding termination) contained a subjective element which was difficult to evaluate and article 56 (Termination or suspension of the operation of a treaty implied from entering into a subsequent treaty) should provide for the possibility of regarding the earlier treaty as still being applicable with respect to those matters not covered by the new treaty.

94. Stressing the importance in international law of the rule *rebus sic stantibus*, one representative thought a new clause (c) should be added to paragraph 3 of article 57 (Termination or suspension of the operation of a treaty as a consequence of its breach) with a view to extending the provisions of that article to "changes of the circumstances which have not been foreseen by the parties but which have been deliberately brought about or created by one of the parties to the treaty", and that a paragraph should be added to article 58 (Supervening impossibility of performance) which would read as follows: "A party to a treaty may not plead impossibility of performance if such alleged impossibility is based on a change of circumstances deliberately brought about by that party. Such a party should restore the *status quo* and carry out its obligations under the treaty."

95. Certain representatives said that the doctrine of *rebus sic stantibus* was aptly introduced and stated in draft article 59 (Fundamental change of circumstances). It was asserted that that doctrine was particularly important for the purpose of counterbalancing the principle of *pacta sunt servanda*, and that, if properly circumscribed and regulated, it would provide a safety-valve enabling the law of treaties to be adapted to the dynamics of international life. One representative em-

phasized that according to article 59 there must be not only "a fundamental change of circumstances" but, in addition, the existence of those circumstances should constitute an essential basis of the consent of the parties to be bound by the treaty, and that even then, that change could not be invoked in the case of a treaty establishing boundaries or if the fundamental change was the result of a breach by the party invoking it either of the treaty or of a different international obligation owed to the other parties to the treaty. Another representative thought that article 59 could be invoked to terminate a treaty if one of the parties unreasonably opposed the conclusion of a new agreement to terminate it. With reference to the present wording of the article, still another representative observed that it would be preferable to draft paragraph 1 in positive terms and to retain the negative form only in paragraph 2.

96. Some representatives, on the contrary, said that they found it difficult to accept draft article 59 because it laid down imprecise rules, to which important juridical consequences were attributed, without surrounding them with the necessary procedural safeguards, and because it might jeopardize the stability of treaty relations. One representative criticized the fact that in drafting article 59, the Commission had not given due consideration to the time factor and, therefore, failed to take into account the distinction between treaties immediately executed (*a tracto cumplido*) and treaties to be executed in the future (*a tracto futuro*).

97. Some representatives regretted that, owing to the current divergence of opinion on the international level, the International Law Commission had not made provision in draft article 62 (Procedure to be followed in cases of invalidity, termination, withdrawal from or suspension of the operation of a treaty) for a binding judicial solution, especially with regard to the draft articles falling within the purview of the progressive development of international law or containing new or imprecise concepts. Those representatives felt that the provision in paragraph 3 of article 62, under which the parties should "seek a solution through the means indicated in Article 33 of the Charter of the United Nations" if objection had been raised by any other party, did not appear to be enough to ensure the objective settlement of conflicts which might be caused by the application or the interpretation of those articles or concepts. Consequently, some representatives advocated deleting some provisions from the draft, one of those representatives specifically referring to the provisions in articles 45, 46, 49, 50, 59, 61, 67 and 70.

Part VI. Miscellaneous provisions (articles 69 and 70)

98. With regard to article 69 (Cases of State succession and State responsibility), a number of representatives said that they would have liked the draft to regulate those aspects of State succession and State responsibility which concerned treaty law, as indicated in the section of this report dealing with the scope of the draft, paragraphs 45 and 46 above. Some representatives considered article 70 (Case of an aggressor State) particularly important, because its application would help to strengthen international legality. According to those representatives, it constituted an exception to the rule that consent was required for a State to be bound by a treaty; by virtue of that exception it would be legally possible through a treaty to impose obligations on a State guilty of the initiation and conduct of aggres-

sive war. One representative considered that the article was not precisely formulated or accompanied by adequate guarantees regarding its application and interpretation.

Part VII. Depositaries, notifications, corrections and registration (articles 71-75)

99. One representative suggested that the wording of the first sentence of article 75 (Registration and publication of treaties) should be amended, because in his view those words, at least in the Spanish version, seemed to give the impression that treaties were being entered into by means of the draft articles themselves.

2. International conference of plenipotentiaries on the law of treaties

100. As is indicated in paragraph 27 of this report, the representatives who took part in the discussion endorsed the International Law Commission's recommendation that an international conference of plenipotentiaries on the law of treaties should be convened to study the final text of the Commission's draft articles and incorporate the results of its work in a single convention on the law of treaties. There was also general agreement that the Commission's draft articles, contained in chapter II of the report on its eighteenth session, should be referred to the conference as the "basic proposal" for its consideration, without prejudice, of course, to the right of any State participating in the conference to submit such amendments to the "basic proposal" as it might deem appropriate.

101. Various views were expressed concerning arrangements for the conference, procedural and organizational problems, the question of participation, and other administrative and budgetary matters. The discussion of all those questions dealt at first with the various possibilities suggested in the memorandum prepared by the Secretariat on procedural and organizational problems involved in a possible diplomatic conference on the law of treaties (A/C.6/371), and later centred on the suggestions put forward during the discussion and on the relevant draft resolutions (A/C.6/L.595, A/C.6/L.596 and Corr.1 and Add.1, A/C.6/L.596/Rev.1 and Add.1, and A/C.6/L.596/Rev.2) and amendments (A/C.6/L.598, and A/C.6/L.601-603). The Secretariat was thanked by many delegations for helping to deal with the problems involved in convening the conference by preparing the above-mentioned memorandum, which some regarded as an important development in the techniques of codification that should become standard practice in the future. During the discussion, the Committee had before it a set of preliminary estimates of the financial implications of the various possible methods of organizing the conference (A/C.6/L.600).

(a) Preparation for the conference

102. Many delegations, pointing out the importance of the proposed conference on the law of treaties, stressed the need to make careful preparations, from the political, legal and administrative standpoints, so as to ensure its success. It was considered essential for Governments to have a reasonable amount of time, before the conference opened, in which to study the substance and implications of the draft articles submitted by the International Law Commission, to express and exchange their views on the articles and even to

begin negotiations with a view to reconciling or removing any differences of opinion. That would make it much easier to reach agreement at the conference and might help to shorten the conference, with a resultant financial saving.

103. In order to ensure that proper preparations were made for the conference, it was felt that it would be most useful to have written comments from the Governments of Member States on the final draft articles and even, if possible, specific amendments during the preparatory phase. It was also proposed that written comments should be requested from the Secretary-General of the United Nations and the Directors-General of those specialized agencies which acted as depositaries of treaties. Those views were reflected in draft resolution A/C.6/L.596 and its revised versions and were ultimately embodied in operative paragraph 9 of the draft resolution adopted by the Committee (A/C.6/L.596/Rev.2). One representative, however, expressed fear that the procedure of written comments would lead to a hardening rather than a reconciliation of positions. Another representative felt that it would be preferable to invite comments from all States, even if some did not subsequently attend the conference.

104. At the same time, it was decided to include an item entitled "Law of treaties" in the provisional agenda of the twenty-second session of the General Assembly so that the Sixth Committee could discuss the substance of the draft articles before the conference was convened. Since it was thought advisable to have the requested written comments available in time for that discussion, Member States, the Secretary-General of the United Nations and the Directors-General of the above-mentioned specialized agencies were invited to submit their comments not later than 1 July 1967, and the Secretary-General was requested to circulate them as soon as possible in order to facilitate the Committee's work. Those decisions are embodied in operative paragraphs 9, 10 and 11 of the draft resolution adopted by the Committee (A/C.6/L.596/Rev.2).

105. Some representatives thought that it would be very useful for Sir Humphrey Waldock, the International Law Commission's Special Rapporteur on the law of treaties, to be present during the Sixth Committee's discussion of the item "Law of treaties". One representative proposed that the Committee should discuss that item first at the twenty-second session of the General Assembly so that Governments would have time to study the remarks made in the discussion before the conference opened. He also suggested that verbatim records of the discussion might be useful.

106. Lastly, some representatives felt that consultations could be held during the period of preparation for the conference in order to explore the possibilities of agreement and compromise on various issues on which controversy would otherwise be likely to arise at the conference. One representative expressed the view that "regional" consultations would be most appropriate.

(b) *Division of the conference*

107. During the discussion, a number of representatives expressed themselves in favour of dividing the conference into two parts, with an interval between them. It was argued that that would give Governments time to analyse the results achieved during the first phase and resolve their differences, that it would encourage participation in the two phases of the conference by highly qualified representatives, and that it

would make it possible to avoid setting up two main committees and thus bring about a saving in personnel and costs. Some of the representatives in question thought it desirable that States should try to send the same representatives to the two parts of the conference, that the interval between the two parts should not be longer than one year, and that the first part should be devoted primarily to committee work and the second part to the discussion and adoption in plenary of the texts adopted in committee. One representative felt that, at the end of the first part of the conference, the drafting committee should remain in session for a number of days longer than the main committee or committees so that Governments could have its recommendations on the results of the work in committee. It was also thought essential for the records of the first part of the conference to be made rapidly available to Governments.

108. Other representatives were opposed, in principle, to a division of the conference into two parts on the ground that the disadvantages of that procedure outweighed the possible advantages. They felt that a two-part conference would make greater demands in terms of money and staff, which would be particularly difficult for the developing countries to bear, and that it would prevent work from progressing smoothly, would delay compromise solutions of controversial problems and would carry with it the risk that issues apparently settled during the first part of the conference would be reopened during the second.

109. Some representatives felt that the possibility of completing the conference in a single session should not be excluded beforehand but that appropriate decisions should be adopted at the present time so that it would be possible to hold a second session if necessary.

110. Finally, in view of the decision taken on the question of division of the draft articles between two main committees and on the opening date of the conference, most representatives agreed to the idea of dividing the conference into two parts, with an interval of one year between them, and chose a formula which would remove any uncertainty in that regard so as not to complicate the task of planning the conference. That position was embodied in operative paragraph 3 of the draft resolution adopted by the Committee (A/C.6/L.596/Rev.2). However, some representatives expressed reservations concerning the matter in view of the increased costs involved and the difficulty some Governments would have in sending a sufficient number of specialists to the conference in two successive years.

(c) *Division of the draft articles between two main committees*

111. Some representatives were in favour of dividing the draft articles between two main committees because they thought that that would make for a shorter conference. In that respect, certain representatives considered that the allocation of the articles suggested by the Secretariat in paragraph 16 of the memorandum (A/C.6/371) was, in principle, logical. Others felt that if that method was adopted the allocation of the articles would need to be more closely studied and they suggested that the International Law Commission should be consulted on the subject and that the question should be discussed in the Sixth Committee the following year. There were certain representatives, too, who felt that the final decision should be left to the conference itself. All those representatives stressed the important co-ordinating role that the drafting committee

of the conference would have to play in the event of the draft articles being divided between two main committees. Some of those opinions were embodied in operative paragraphs 4 and 8 of the original draft resolution (A/C.6/L.596) and in operative paragraphs 5 and 9 of the first revised text (A/C.6/L.596/Rev.1).

112. There were other representatives who did not share that view and who stressed the close connexion between all the draft articles, the element of arbitrariness inherent in any division, the increased expenditure that it would entail and the difficulties that the small delegations and the developing countries would have in ensuring representation in two committees. Some of those representatives did not preclude the possibility that the conference itself might in certain particular cases decide to set up sub-committees or working groups.

113. In the end, the advocates of two main committees did not press their point of view but decided in favour of setting up a single committee of the whole. The sponsors of the revised draft resolution (A/C.6/L.596/Rev.1) left out all references to the division of the draft articles between two main committees in the second revised text of the draft resolution (A/C.6/L.596/Rev.2), which was approved by the Sixth Committee.

(d) *Date of the conference*

114. Most of the representatives who spoke in the debate agreed that Governments and the Sixth Committee should be given time to examine the draft articles and that the Secretariat should have time to prepare the documentation for the conference, but at the same time they stated that the momentum that the International Law Commission had given to the codification of the law of treaties should not be lost. Those representatives considered that the conference should be held early in 1968.

115. Other representatives emphasized the need to take into account the general calendar of conferences of the United Nations before taking any decision on the date of the conference. They pointed out that the calendar for 1968 would be a heavy one, since there was to be an international conference on human rights, an international conference to replace the Convention on Road Traffic and the Protocol on Road Signs and Signals, a conference of ministers responsible for social welfare and perhaps a meeting of the United Nations Conference on Trade and Development, too; they therefore thought that it would be better to postpone the conference on the law of treaties until 1969. Those representatives pointed out that under paragraph 5 of General Assembly resolution 2116 (XX) of 21 December 1965 not more than one "major special conference" should be scheduled in any one year and they declared that the Sixth Committee should bear that resolution in mind in deciding the date of the conference on the law of treaties. At the 915th and 917th meetings, the Legal Counsel, referring to the rule established in paragraph 5 of resolution 2116 (XX), stated that there was as yet no criterion for determining what constituted a "major" conference. He also told the Committee that, according to the information available, there were no conferences scheduled for January, February or March 1968.

116. The Committee decided that the first session of the conference should be convened early in 1968 and the second session early in 1969, as stated in operative

paragraph 3 of the draft resolution adopted by the Committee (A/C.6/L.596/Rev.2). The sponsors of the draft resolution said that the date of the proposed conference would of course have to be determined in relation to the over-all United Nations conference schedule and that it would consequently be for the appropriate United Nations organs to determine, within the framework of General Assembly resolution 2116 (XX), the order of priority of the various conferences proposed for 1968.

(e) *Place of the conference*

117. Most of the representatives who referred to this question opted for the United Nations Office at Geneva, for technical, practical or financial reasons, although certain representatives expressed a preference for United Nations Headquarters in New York.

118. It was decided that the conference would be held "at Geneva or at any other suitable place for which an invitation is received by the Secretary-General before the twenty-second session of the General Assembly", as stated in operative paragraph 3 of the draft resolution adopted by the Sixth Committee (A/C.6/L.596/Rev.2). At the 918th meeting the Legal Counsel explained that if the Secretary-General were to receive an invitation he would decide upon it on the basis of operative paragraph 2 (h) of General Assembly resolution 2116 (XX), i.e., if the host Government agreed to defray all the additional costs entailed. In that case the estimates of the additional costs would be based on the estimated cost of holding the conference at Geneva. He added that in deciding whether the place to which the conference was invited was "suitable" the Secretary-General would take into consideration the general interest of all those attending the conference, the financial arrangements proposed by the host Government, the privileges and immunities to be extended, the facilities and installations offered and the possibilities in the way of accommodation, means of transport and communication, etc. If more than one invitation was received, the most "suitable" place would be determined in the light of those criteria. If any problem arose, the Secretary-General would consult the General Assembly at the twenty-second session.

(f) *Participation in the conference*

119. Some representatives proposed that all States should be invited to take part in the conference. The participation of all States in the conference would be of advantage for the codification of the law of treaties and in accordance with the principles of universality and the sovereign equality of States set forth in the United Nations Charter. All sovereign States that so wished would have the right to take part in the conference, or should be able to do so, since the law of treaties was of indisputable interest to all States and to the whole international community and its codification should be established on a universal basis. It was also said that participation in international conferences was not to be confused with recognition of a State. The position of those States was reflected in the amendments (A/C.6/L.598 and A/C.6/L.601).

120. Other representatives argued that the universality prescribed in the Charter applied only to its purposes and principles, that there was no universally recognized definition of a "State" and that it was a fact of international life that there were States or

entities that were recognized as such by some States and not by others.

121. Some representatives proposed that, in addition to the categories of States traditionally invited to codification conferences, namely, States Members of the United Nations, States members of specialized agencies and States parties to the Statute of the International Court of Justice, there should be a new category of "States that the General Assembly decides specially to invite to participate in the conference". That formula was included in the draft resolution (A/C.6/L.596) and in its two subsequent revised texts. According to those representatives, the "all States" formula would place upon the Secretary-General the political responsibility of deciding which entities were States that should be invited, a responsibility which he had declined on similar occasions in the past on the ground that it was a question for decision by the General Assembly itself. At the 918th meeting, the Legal Counsel told the Committee that the Secretary-General adhered to the position he had expressed on 18 November 1963 in the General Assembly,¹⁵ and that consequently, if the "all States" formula was adopted, the Secretary-General would immediately ask the Sixth Committee and the General Assembly for a list of the States covered by the formula other than Members of the United Nations, members of the specialized agencies and parties to the Statute of the Court.

122. Those in favour of inviting all States considered that the new formula proposed was still discriminatory, and opposed its adoption. They felt that the principle of universality should not be obscured by alleged practical difficulties. They pointed out that, while there were no great difficulties over inviting observers from the specialized agencies and from inter-governmental organizations and even experts or specialists, representatives of a certain group of States were being excluded from the conference for purely political motives. It was added that the practical difficulties to which the "all States" formula allegedly gave rise had not prevented the General Assembly on important occasions from adopting resolutions addressed to all States in connexion with certain international agreements.

123. Other representatives, however, considered that the new formula was not discriminatory because the General Assembly could invite to the conference those States which it saw fit to invite; the proposed wording represented an advance over the traditional formula since it introduced an element of flexibility and avoided the technical difficulties to which the "all States" formula gave rise. In the opinion of some of those representatives, the adoption of the "all States" formula would have no practical value since, in the final analysis, the General Assembly, in that case too, would be called upon to give instructions to the Secretary-General. It was added that the resolutions which the General Assembly had addressed to all States were appeals or exhortations which it could make without having to prejudge the statehood of any party concerned.

124. One representative sought to overcome the practical difficulties invoked against the "all States" formula by suggesting that "all States parties to treaties registered with the United Nations" should be invited. Another representative asserted that such a formula

would not solve the problem either because parties to registered treaties were not always States, so that the Secretary-General would again face the problem of defining the word "State". At the 916th meeting, the Legal Counsel, as requested, made a statement concerning the parties to treaties registered with the United Nations which were not Members of the United Nations nor members of the specialized agencies nor parties to the Statute of the International Court of Justice nor international organizations.

125. Finally, the Sixth Committee approved operative paragraph 4 of the draft resolution (A/AC.6/L.596/Rev.2) inviting to the conference on the law of treaties States Members of the United Nations, States members of the specialized agencies, States parties to the Statute of the International Court of Justice, and States that the General Assembly decides specially to invite, to participate in the conference.

(g) *Observers from specialized agencies and inter-governmental organizations*

126. Certain representatives explicitly favoured inviting to the conference observers from specialized agencies and from other interested inter-governmental organizations. That view, embodied in operative paragraph 6 of the draft resolution (A/C.6/L.596/Rev.2), was approved by the Sixth Committee.

127. At the 918th meeting, the Legal Counsel, in response to a request, explained that the "interested" inter-governmental organizations invited to send observers would be organizations which in addition to being interested in attending were engaged in the preparation of treaties, had treaty matters as a substantial part of their work, or were involved in the study of the law of treaties; it was doubtful whether collective security organizations would come within the formula. One representative proposed that the possibility of inviting the International Commission on Civil Status should be studied.

(h) *Inclusion of competent experts among the representatives sent by States to participate in the conference*

128. Certain representatives considered it extremely important to include experts competent in the law of treaties among the representatives of States participating in the conference; they advocated explicit mention of that view in the draft resolution recommended to the General Assembly. Other representatives felt that it was unfortunate, superfluous or inelegant to refer to that matter in the resolution to be adopted. Consequently, the sponsors of the revised draft resolution (A/C.6/L.596/Rev.1) inserted the phrase "so far as possible" in operative paragraph 5 of the second revised version (A/C.6/L.596/Rev.2). That paragraph, as amended, was approved by a majority of the Sixth Committee.

(i) *Experts from the Secretariat to service the conference*

129. Some representatives requested that the Secretary-General should obtain the services of experts qualified in the law of treaties because of the assistance that they could give in the work of the conference. Many representatives stressed that the conference should have the technical advice of Sir Humphrey Waldock, Special Rapporteur of the International Law Commission on the law of treaties, and suggested that

¹⁵ See *Official Records of the General Assembly, Eighteenth Session, Plenary Meetings, 1258th meeting, paras. 99-101.*

he should be invited as an expert to the conference. Operative paragraph 8 of the draft resolution approved by the Sixth Committee (A/C.6/L.596/Rev.2) expressly authorizes the Secretary-General to include experts among the staff servicing the conference.

(j) *Draft rules of procedure*

130. Many representatives felt that the Secretariat should prepare draft rules of procedure for the conference on the law of treaties based on the rules of procedure of the Geneva Conferences on the Law of the Sea and the Vienna Conferences on Diplomatic Intercourse and Immunities and on Consular Relations and taking into account the nature of the work entrusted to the conference on the law of treaties. Once the draft rules had been approved by the conference, with the amendments considered appropriate, they would become the rules of procedure of the conference.

131. A number of representatives considered it essential for the conference to adopt the final texts by substantial majorities. In their view, the rule governing voting in the rules of procedure of the Conferences on the Law of the Sea and the Conferences on Diplomatic Intercourse and Immunities and on Consular Relations should be maintained. Under that rule, decisions in plenary session on questions of substance should be taken by a two-thirds majority of those present and voting and decisions on questions of procedure should be taken by a simple majority while in the committees and sub-committees all decisions should be taken by a simple majority of such representatives, except in the case of motions for reconsideration. One representative stressed that the rules of procedure should distinguish clearly between questions of substance and questions of procedure. Some representatives were in favour of deleting the rule limiting the number of speakers that could speak on a motion for division, as suggested in paragraph 50 of the memorandum by the Secretary-General (A/C.6/371). One representative pointed out that the two-thirds majority for the adoption of motions for reconsideration was perhaps too rigid, especially at the committee stage, and suggested that the Secretariat should also study the question of amending that rule.

132. Operative paragraph 8 of the draft resolution approved by the Sixth Committee (A/C.6/L.596/Rev.2) requests the Secretary-General to present to the conference recommendations relating to its methods of work and procedures.

(k) *Documentation*

133. Some representatives pointed out that the Secretariat should centralize the preparation of all the documents for the conference. One representative expressed the hope that the reference guide to the legislative history of the draft articles being prepared by the Secretariat would be made available as soon as possible, together with the volumes of the *Yearbook of the International Law Commission for 1966*. Operative paragraph 8 of the draft resolution approved by the Sixth Committee (A/C.6/L.596/Rev.2) requests the Secretary-General to present to the conference all relevant documentation.

B. SPECIAL MISSIONS

134. In the debate some representatives stressed the importance and necessity of proceeding immediately with the codification of the international law govern-

ing special missions in a period of increasing contacts and relations among the members of the international community. Those representatives, recalling General Assembly resolution 2045 (XX) of 8 December 1965, took the view that, now that the final draft articles on the law of treaties had been adopted and submitted to the General Assembly, the International Law Commission should try to complete its work on special missions as soon as practicable, and if possible at its nineteenth session, so that the draft articles on the topic might be considered during the twenty-second session of the General Assembly. That view was expressed in sub-paragraph 4 (a) of the draft resolution (A/C.6/L.597), subsequently approved by the Sixth Committee. In that connexion stress was laid on the importance of the written comments of Governments to enable the Commission to put forward appropriate solutions to the problems posed by the codification of special missions, and approval was given to the Commission's decision, as indicated in paragraph 71 of its report on its eighteenth session, once again to request Governments to forward comments on its preliminary draft on special missions. Some representatives noted that their Governments were studying the draft articles and would submit such comments as they considered relevant in due course.

135. Certain representatives approved in general terms the decisions adopted with respect to the draft articles on special missions at the International Law Commission's eighteenth session and the recommendations made to the Special Rapporteur on special missions with a view to the continuation of the work on the subject. One representative endorsed, in particular, the recommendations concerning the nature of the provisions relating to special missions, the distinction between the different kinds of special missions and the inclusion of an introductory article at the beginning of the draft.

136. One representative considered that the codification of special missions should be embodied in an instrument separate from the Vienna Conventions on Diplomatic and Consular Relations, although care should be taken to ensure that the terminology employed for special missions was consistent with that used in those Conventions. Another representative thought that it was too soon to decide whether the draft articles on special missions should be in the form of a draft protocol to the 1961 Vienna Convention on Diplomatic Relations, or of a separate draft convention.

137. With reference to the general structure of the draft articles on special missions, one representative said that the draft should contain the fewest possible number of concisely drafted articles, and that the International Law Commission should adopt the final recommendations which would accompany the draft after taking due account of the practical implications of their implementation. Another representative approved the omission from the draft of the question of delegates to international congresses and conferences, but favoured the inclusion in the draft of provisions concerning so-called high-level special missions.

138. Concerning the formulation of the provisions to be included in the draft articles on special missions, it was noted that the International Law Commission still had to resolve matters of some difficulty before its work would be completed, such as the nature of the various kinds of special missions and the extent of the privileges and immunities which were accorded to

those missions. One representative said that those privileges and immunities should not be too freely granted. Another representative stated specifically that articles 1, 7 and 18 of the preliminary draft could benefit from some revision.

C. OTHER DECISIONS AND CONCLUSIONS OF THE INTERNATIONAL LAW COMMISSION

1. *Organization of future work*

139. Many representatives said that at its next session the International Law Commission, in addition to trying to adopt final draft articles on special missions as mentioned in paragraph 134 of this report, should also continue its work on succession of States and Governments, State responsibility and relations between States and inter-governmental organizations, and in that connexion should take such steps as it deemed advisable to advance the study of those topics as far as possible. Some representatives expressly approved the decision set out in paragraphs 72 to 75 of the Commission's report on its eighteenth session, to propose to the new Commission, which would be elected at the present session of the General Assembly, a provisional programme of work for 1967 including those topics. Those views were reflected in operative paragraphs 3 and 4 of draft resolution A/C.6/L.597 and subsequently received the unanimous support of the Sixth Committee.

140. Certain representatives said that, while the drawing up of the Commission's programme of work was a matter for the Commission itself, the General Assembly and the Sixth Committee might helpfully give some indication of the relative importance which was assigned to the subjects to be studied, and consequently of the priority which should be given to them. In that connexion and with respect to the main subjects on the Commission's programme, many representatives favoured giving priority to the consideration of succession of States and Governments and, in particular, to those aspects of succession closely related to the law of treaties, because of the importance which that question had for the States which had recently become independent. Nevertheless, there were some who expressed an interest in the question of State responsibility also being taken up immediately, in view of that topic's implications for the developing countries, given the importance of foreign capital investments to their economies. One representative questioned whether the topic of State responsibility was really ripe for codification.

141. Other representatives said that they hoped that the Commission would be able to complete its work on the topic of relations between States and inter-governmental organizations within a reasonable period of time and that the study of that topic might cover treaties concluded between States and international organizations or between such organizations, with a view to completing the draft articles on the law of treaties between States.

142. Lastly, one representative, without making a formal suggestion to that effect, said he hoped that the Commission would be asked to continue its work on the codification and progressive development of the law of treaties, in the light of the debate in the Sixth Committee and the written comments of Governments concerning the draft articles approved by the Commission at its eighteenth session. In that representative's opinion,

those draft articles had not given sufficient consideration to the sociological context which determined the creation of treaties or to the higher principles which contributed to their formation, and they should therefore be duly revised and completed.

2. *Co-operation with other bodies*

143. The representatives who referred to this question in the debate expressed their gratification at the co-operation between the Commission and the Asian-African Legal Consultative Committee, the Inter-American Council of Jurists and its standing organ the Inter-American Juridical Committee, and the European Committee on Legal Co-operation. Affirming that such co-operation helped to strengthen the universality of international law, those representatives urged that such co-operation should be developed and some expressed the hope that in future it would be broadened with a view to including other bodies as well. Some representatives suggested that the Commission might go into more detail in its reports about the methods and results of its co-operation with those regional bodies. One representative stressed that the work being done by those bodies included questions, such as reservations to multilateral treaties, the law of treaties in general, and coexistence, which had great interest and importance for the work being done by the Commission and the General Assembly in the codification and progressive development of international law.

3. *Seminar on international law*

144. Recalling General Assembly resolution 2045 (XX) of 8 December 1965 and the views expressed in the Sixth Committee at the twentieth session of the General Assembly, many representatives expressed satisfaction at the holding of the second session of the Seminar on International Law for advanced students of the subject and young government officials responsible in their respective countries for dealing with questions of international law. Those representatives were in favour of continuing to hold the Seminars in the future. The United Nations Office at Geneva was commended for the planning and conduct of the Seminar and the execution of its programme. These views, embodied in the last preambular paragraph and operative paragraph 5 of draft resolution A/C.6/L.597, were subsequently approved unanimously by the Sixth Committee.

145. It was emphasized that the Seminars helped to spread a knowledge of international law and the work of the International Law Commission, and to strengthen the bonds between the members of the Commission and students of international law throughout the world. Stress was also laid on the particular importance of the Seminars for students and young officials of the developing countries and satisfaction was expressed that a considerable number of nationals of those countries had been able to participate in the second Seminar. Some representatives expressly thanked the Governments of Israel and Sweden for the scholarships they had made available for the 1966 Seminar and expressed the hope that other Governments would follow their example, in order that the number of participants from the developing countries might be maintained. The representative of Israel announced that if there was any unexpended balance of the scholarships which his Government had made available for the 1966 Seminar, the Secretariat might make use of it for the next Seminar.

146. One representative suggested that the scope of the matters examined by the Seminar should be extended by increasing the number of lectures, widening the circle of the students' direct and personal contacts and taking advantage of the opportunities offered by the presence in Geneva of many specialized agencies and non-governmental organizations.

4. Organization of the sessions of the International Law Commission

147. One representative considered that it might be timely for the International Law Commission to re-examine the question of the organization of its sessions and other matters relating to its general administrative arrangements and that, if it should wish to do so, it should propose to the General Assembly a new pattern for its sessions and other adjustments, even to the extent of suggesting possible amendment of its statute. Another representative was in favour of holding two annual sessions of only four or five weeks each, instead of only one session of ten weeks as at present. That would enable the members of the Commission to divide their time between taking part in the work of the Commission and their other professional activities more conveniently.

IV. Voting

148. At its 918th meeting, the Sixth Committee voted on the draft resolutions and amendments thereto.

A. INTERNATIONAL CONFERENCE OF PLENIPOTENTIARIES ON THE LAW OF TREATIES

149. Voting on revised draft resolution A/C.6/L.596/Rev.2 and the amendment thereto (A/C.6/L.598) took place as follows:

(a) The amendment submitted by Czechoslovakia, Poland and the Union of Soviet Socialist Republics (A/C.6/L.598) to operative paragraph 4 of the ten-Power draft resolution (A/C.6/L.596/Rev.2) was rejected by a roll-call vote of 53 to 33, with 19 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Ethiopia, Hungary, India, Indonesia, Iraq, Kuwait, Mali, Mongolia, Morocco, Nepal, Poland, Romania, Sierra Leone, Singapore, Somalia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia, Zambia.

Against: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Luxembourg, Madagascar, Malawi, Malaysia, Malta, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Rwanda, South Africa, Spain, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela.

Abstaining: Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Dahomey,

Ghana, Iran, Ivory Coast, Lebanon, Liberia, Libya, Nigeria, Pakistan, Portugal, Saudi Arabia, Senegal, Thailand, Togo, Turkey.

As a consequence of the result of the voting on that amendment, the amendment (A/C.6/L.601) to the preamble of the draft resolution (A/C.6/L.596/Rev.2) was withdrawn by the sponsors.

(b) Operative paragraph 3 of the draft resolution was adopted, in a separate vote requested by the representative of France, by 85 votes to 2, with 19 abstentions.

(c) Operative paragraph 4 of the draft resolution was adopted, in a separate vote requested by the representative of China, by 65 votes to 19, with 16 abstentions.

(d) Operative paragraph 5 of the draft resolution was adopted, in a separate vote requested by the representative of Upper Volta, by 51 votes to 32, with 23 abstentions.

(e) The draft resolution as a whole (A/C.6/L.596/Rev.2) was then adopted by 100 votes to none, with 6 abstentions.

150. At the 919th meeting, a number of representatives explained the vote of their respective delegations on the draft resolution and the amendment thereto. The representatives of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Mali, Mongolia, Poland, Romania, Sierra Leone, Somalia, Tunisia, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Republic, and the United Republic of Tanzania referred specifically to the amendment and to operative paragraph 4 of the draft resolution. The representatives of France and Tunisia explained their votes on operative paragraph 3 of the draft resolution and the representative of France also explained his vote on operative paragraph 5 of that draft.

B. REPORTS OF THE INTERNATIONAL LAW COMMISSION

151. The eight-Power draft resolution (A/C.6/L.597 and Add.1), with the oral changes to the title and the last preambular paragraph made by the sponsors, was adopted unanimously.

Recommendation of the Sixth Committee

152. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

INTERNATIONAL CONFERENCE OF PLENIPOTENTIARIES ON THE LAW OF TREATIES

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

Draft resolution II

REPORTS OF THE INTERNATIONAL LAW COMMISSION

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

DOCUMENT A/6543

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6516

Report of the Fifth Committee

[Original text: English]
[2 December 1966]

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered at its 1158th meeting, on 1 December 1966, the financial implications of draft resolution I recommended by the Sixth Committee concerning an international conference of plenipotentiaries on the law of treaties (A/6516, para. 152, draft resolution I).

2. For its consideration of the item the Committee had before it a note by the Secretary-General (A/C.5/1088) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/6528). The Advisory Committee, while noting the cost estimates submitted by the Secretary-General, expressed the view that the proposed conference would be a major special conference within the terms of paragraph 5 of General Assembly resolution 2116 (XX) of 21 December 1965.

3. One delegation, whose position of principle was supported by a second delegation, pointed out that paragraph 5 of General Assembly resolution 2116 (XX) provided that not more than one major special conference of the United Nations should be scheduled in any one year. That delegation pointed out that during the discussion in the International Law Commission on the proposed diplomatic conference the representative of the Secretary-General had failed to draw the attention of the Commission to the relevant provision in that resolution. Furthermore, in the Sixth Committee the representative of the Secretary-General had dealt with resolution 2116 (XX) only after representatives had raised the matter. At least two major conferences

had already been called for the year 1968, and the consequences of the Sixth Committee's decision were the more regrettable since only a few weeks earlier the Secretary-General had warned the Fifth Committee about the tremendous strain on the available resources of the Secretariat in view of the steadily growing conference programme.

4. The representative of the Secretary-General pointed out that, in his understanding, there was nothing in resolution 2116 (XX) which precluded a committee or commission of the United Nations from proposing the holding of a conference at any particular time. The decision whether the proposed conference should in fact be held in a given year then rested with the General Assembly or other competent body which would take into account all relevant factors including the provisions governing the pattern of conferences. In any case, the General Assembly had not as yet laid down a criterion for defining the term "major special conference".

5. The Fifth Committee decided without objection to inform the General Assembly that the adoption of the draft resolution recommended by the Sixth Committee would require an additional expenditure in 1967 of \$32,900 under section 2 (Special meetings and conferences) of the budget estimates. In addition the requirements for the conference in 1968 were estimated at \$389,300, and at \$201,600 in 1969. The requirements for 1968 and 1969 would be taken into account at the time of the preparation of the initial budget estimates for those years.

DOCUMENTS A/L.502 AND ADD.1 AND 2

Bulgaria, Czechoslovakia, Hungary, Mali, Mongolia, Poland, Romania, Sudan, Syria, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yugoslavia and Zambia: amendment to draft resolution I submitted by the Sixth Committee in document A/6516

[Original text: English]
[2 December 1966]

Replace operative paragraph 4 by the following:

"4. *Invites* all States to send delegations to participate in the work of the conference,".

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1484th plenary meeting, on 5 December 1966, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (A/6516, para. 152), draft resolution I by a vote of 104 to none, with 2 abstentions, and draft resolution II unanimously. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2166 (XXI) and 2167 (XXI).

At the same meeting the General Assembly, by a vote of 48 to 37, with 22 abstentions, rejected the amendment submitted by 14 countries (A/L.502 and Add.1 and 2) to draft resolution I.

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 84 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6309 and Add.1	Reports of the International Law Commission on the second part of its seventeenth session (3-28 January 1966) and on its eighteenth session (4 May-19 July 1966)	Replaced by A/6309/Rev.1
A/6309/Rev.1	Reports of the International Law Commission on the second part of its seventeenth session (3-28 January 1966) and on its eighteenth session (4 May-19 July 1966)	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 9</i>
A/6348 and Corr.1	Text of the draft articles on the law of treaties, as finally adopted by the International Law Commission on 18 and 19 July 1966: note by the Secretary-General	Mimeographed. For the text of the draft articles, see A/6309/Rev.1, Part II
A/C.6/L.594	Uruguay: draft resolution	See A/6516, para. 17
A/C.6/L.594/Rev.1	Uruguay: revised draft resolution	<i>Ibid.</i> , para. 18
A/C.6/L.595	Uruguay: draft resolution	<i>Ibid.</i> , para. 8
A/C.6/L.596 and Corr.1 and Add.1	Argentina, Canada, Ghana, Iran, Japan, Nigeria, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution	<i>Ibid.</i> , para. 9
A/C.6/L.596/Rev.1	Argentina, Bolivia, Canada, Chile, Ghana, Iran, Japan, Nigeria, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution	<i>Ibid.</i> , para. 11
A/C.6/L.596/Rev.2	Argentina, Bolivia, Canada, Chile, Ghana, Iran, Japan, Nigeria, United Kingdom of Great Britain and Northern Ireland and Uruguay: revised draft resolution	Adopted without change. See A/6516, para. 152, draft resolution I
A/C.6/L.597 and Add.1	Brazil, Canada, Chile, India, Mexico, Nigeria, Uruguay and Yugoslavia: draft resolution	Adopted as amended at the 915th meeting of the Sixth Committee. See A/6516, para. 152, draft resolution II
A/C.6/L.598	Czechoslovakia, Poland and Union of Soviet Socialist Republics: amendment to document A/C.6/L.596 and Corr.1 and Add.1	See A/6516, para. 10
A/C.6/L.601	Hungary and Ukrainian Soviet Socialist Republics: amendment to document A/C.6/L.596/Rev.1	<i>Ibid.</i> , para. 12
A/C.6/L.602	Cameroon: amendment to document A/C.6/L.596/Rev.1	<i>Ibid.</i> , para. 13
A/C.6/L.603	Lebanon: amendment to document A/C.6/L.596/Rev.1	<i>Ibid.</i>
A/CN.4/182	Law of treaties: comments by Governments on Part III of the draft articles on the law of treaties drawn up by the International Law Commission at its sixteenth session	For chapter I of this document, see A/6309/Rev.1, annex
A/CN.4/188 and Add.1 and 2	Special missions: comments by Governments on the draft articles on special missions drawn up by the International Law Commission at its seventeenth session	Mimeographed



Agenda item 85:* Draft Declaration on the Right of Asylum**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Sixth Committee*, 919th to 923rd, 925th, 926th and 953rd meetings; and *ibid.*, *Plenary Meetings*, 1496th meeting.

** Since 1960, this question has been discussed by the General Assembly at the following sessions: fifteenth session (agenda item 82), sixteenth session, (agenda item 38), seventeenth session (agenda item 46), eighteenth session (agenda item 45), twentieth session (agenda item 63).

DOCUMENT A/6367 AND ADD.1 AND 2***

Note by the Secretary-General

[*Original text: English/French*]
[22 August 1966]

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1. At its 1404th plenary meeting, on 20 December 1965, the General Assembly adopted its resolution 2100 (XX), entitled "Draft Declaration on the Right of Asylum". Pursuant to paragraph 1 of that resolution, by letter of 9 June 1966, the Secretary-General requested Member States to submit comments or supplementary comments on the draft Declaration by 20 July 1966.

2. The present document contains comments or supplementary comments submitted by Afghanistan, Brazil and France. In addition, Belgium, Laos, Morocco, the Netherlands, Norway, Singapore, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland have indicated that they do not intend to submit any written comments or supplementary comments. Any written comments received subsequent to 17 August 1966 will be issued in addenda to the present document.

3. In view of the length of time over which the draft Declaration on the Right of Asylum has been discussed, the Secretary-General is annexing to the present document, for the convenience of delegations, a guide to documentary references on comments submitted by States, prior to the twenty-first session of the General Assembly, on the draft Declaration on the Right of Asylum (annex I).

4. The draft Declaration on the Right of Asylum, which consists of a preamble and five articles, together with the preamble and article 1 as adopted by the Third Committee at the seventeenth session of the

*** Document A/6367/Add.1, dated 14 September 1966, contained the comments received from the Governments of Argentina and Jamaica; document A/6367/Add.2, dated 22 September 1966, contained the comments received from the Government of the United States of America.

General Assembly, are contained in annexes II and III to the present document.¹

II. COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

Afghanistan

[Original: English]
[15 August 1966]

In accordance with traditional practice in Afghanistan, the right of asylum is considered to be a basic human right and matters falling within its jurisdiction are treated with the same respect as all questions involving human rights.

Pending the adoption of specific laws on the right of asylum, Afghanistan, in accordance with its own tradition and its belief in all principles promoting human rights, would support any measures directed towards this end.

Argentina

[Original: Spanish]
[17 August 1966]

The proposal by Costa Rica, Norway and Togo² to replace the words "The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution" in article 2 by the words "The situation of persons entitled to invoke article 14 of the Universal Declaration of Human Rights" is technically preferable.

In view of the foregoing proposal, it would be desirable to replace the words "seeking or enjoying asylum in accordance with" in article 3 by the words "entitled to invoke article 14 of"; in addition, the words "except for overriding reasons of national security or safeguarding of the population" should be replaced by the proposed new second paragraph, which expresses the same idea while leaving room for cases such as that of the Argentine Republic, where legislation for that purpose already exists (Decree No. 19,935/49).

Article 4 is acceptable inasmuch as it is wide in scope.

The Polish proposal³ to replace the words "the Right of Asylum" in the title by the words "Territorial Asylum" and to insert the word "territorial" before the word "asylum" in articles 2, 3 and 4 is considered to be acceptable.

As far as the preamble and article 1 are concerned, there are no substantial changes to be made: we would merely like to propose the following amendment to paragraph 2 of article 1 in order to clarify the wording: "The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime defined in the international instruments as a crime against peace, a war crime, or a crime against humanity."

¹ For the proceedings of the Sixth Committee at the twentieth session of the General Assembly concerning the draft Declaration, see *Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 63*.

² See *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 4c, document A/C.3/L.1035 and Add.1*.

³ *Ibid.*, document A/C.3/L.1038.

Brazil

[Original: English]
[20 July 1966]

I have the honour to inform you that my Government wishes to add to the previously submitted comments⁴ on the draft Declaration on the Right of Asylum the following:

Article 2: The Brazilian Government, considering the international nature of the Declaration, does not think it advisable that in the name of international solidarity specific reference be made to "measures to lighten the burden on the country granting asylum". According to Brazil's view, appropriate stress is already laid upon the principle of international solidarity in paragraph 1, where it is said that "the situation of persons who are forced to leave their own or another country is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community". Paragraph 2 should then be deleted.

France

[Original: French]
[8 August 1966]

I have the honour to inform you of the following additional comments of the French Government concerning the draft Declaration on the Right of Asylum:

1. The text of article 1 adopted by the Commission on Human Rights [see annex II below], which provided a general, objective definition of persons entitled to invoke the right of asylum, was amended by the Third Committee at the seventeenth session of the General Assembly [see annex III below] to include specific mention of "persons struggling against colonialism". This reference to a particular case is contrary to the spirit of the Declaration, which is intended to be universal in scope; moreover, it introduces a political criterion in an instrument which is essentially humanitarian in character. The French Government cannot but regret that the original text of the Commission on Human Rights was weakened and distorted in this way.

2. The meaning and scope of article 1, paragraph 3, as amended [see annex III below], are not clear. The grant of asylum must obviously be based on certain considerations which prompt the decision taken by the Government authorities and which should normally derive from the general principles set forth in the preamble of the draft Declaration. In the view of the French Government, however, paragraph 3 cannot be interpreted to mean that a State granting asylum must justify its decision either to an international body or to other States.

Jamaica

[Original: English]
[7 September 1966]

Articles 2 and 3: The amendments [submitted by Costa Rica, Norway and Togo,⁵ as later modified by amendments submitted by Algeria, Guinea, Iraq, Mali, Morocco and the United Arab Republic,⁶] are acceptable. It would perhaps be preferable for the word

⁴ See document E/3403, mimeographed.

⁵ See *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 4c, document A/C.3/L.1035*.

⁶ *Ibid.*, document A/C.3/L.1045.

"and" before "persons struggling..." to be replaced by "including".

Article 4: The amendment [submitted by Greece⁷] as regards article 4 is acceptable; namely that after the words "activities contrary to", the phrase "the national security or public order (*ordre public*) of the State granting asylum and..." be inserted.

The Government of Jamaica has no objection to the inclusion of the new article 6 [proposed by Poland,⁸] but does not think the additional article is necessary.

It is the understanding of the Government of Jamaica that the draft Declaration does not apply to what is known as diplomatic asylum.

United States of America

[Original: English]
[16 September 1966]

The United States Government supports the promulgation of a declaration on asylum by the General Assembly and is prepared to support, at the twenty-first session of the General Assembly, adoption by the Assembly of a text consistent with the preamble and first article, as adopted by the Third Committee, together with the remaining portions of the Declaration as presently drawn.

ANNEX I

Guide to documentary references on previous comments by States on the draft Declaration on the Right of Asylum

A. COMMENTS SUBMITTED TO UNITED NATIONS ORGANS IN THE COURSE OF THEIR CONSIDERATION AND PREPARATION OF THE DRAFT DECLARATION

1. Comments submitted to the Commission on Human Rights

(a) For the year 1959

E/CN.4/781 and Add.1 and 2, mimeographed (except where otherwise indicated, the comments appear in document E/CN.4/781):

Australia (Add.2)	Japan
Austria	Laos
Belgium	Morocco
Cambodia	Nepal
Ceylon	Netherlands (Add.1)
Czechoslovakia	Pakistan
Denmark (Add.2)	Peru
France (Add.1)	Poland
Greece (Add.2)	Portugal (Add.1)
Haiti	Spain
Honduras	Sweden
India (Add.1)	United Kingdom
Israel (Add.1)	Yugoslavia (Add.1)

(b) For the year 1960

E/CN.4/793 and Add.1-6, mimeographed (except where otherwise indicated the comments appear in document E/CN.4/793 and Add.1-6):

Austria (Add.1)	Italy (Add.2)
Belgium (Add.1)	Laos
Burma (Add.2)	Lebanon (Add.6)
Cuba (Add.3)	Luxembourg (Add.1)
Cambodia	Malaysia
Ceylon (Add.1)	Morocco (Adds.1 and 2)
Denmark	Norway
Federal Republic of Germany (Add.1)	Pakistan (Add.2)
France	Philippines (Add.5)
Greece (Add.1)	Spain (Add.2)
Iran	Tunisia (Add.1)
Israel (Add.3)	Turkey (Add.4)
	Yugoslavia (Add.1)

2. Comments submitted to the Economic and Social Council

(a) For the year 1960

E/3403 and Add.1-5, mimeographed (except where otherwise indicated the comments appear in document E/3403):

Austria (Add.5)	Jordan
Belgium	Malaysia (Add.4)
Brazil	Netherlands (Add.2)
Chile (Add.3)	Poland
Denmark	Venezuela
Greece (Add.1)	

3. Comments submitted to the General Assembly

(a) For the year 1960

A/4452/Add.1 and Add.1/Corr.1, mimeographed (except where otherwise indicated the comments appear in document A/4452/Add.1):

Ceylon	Switzerland (and Add.1/Corr.1)
Ghana	

(b) For the year 1961

A/4793:

United Arab Republic

B. ALPHABETICAL LIST BY STATES OF COMMENTS AND THEIR DOCUMENTARY SOURCES

State	Document
Australia	E/CN.4/781/Add.2
Austria	E/CN.4/781, E/CN.4/793/Add.1, E/3403/Add.5
Belgium	E/CN.4/781, E/CN.4/793/Add.1, E/3403
Brazil	F/3403
Burma	E/CN.4/793/Add.2
Cambodia	E/CN.4/781, E/CN.4/793
Ceylon	E/CN.4/781, E/CN.4/793/Add.1, A/4452/Add.1 and Corr.1
Chile	E/3403/Add.3
Cuba	E/CN.4/781/Add.3
Czechoslovakia	E/CN.4/781
Denmark	F/CN.4/781/Add.2, E/CN.4/793, E/3403
Federal Republic of Germany	E/CN.4/793/Add.1
France	E/CN.4/781/Add.1, E/CN.4/793
Ghana	A/4452/Add.1 and Add.1/Corr.1
Greece	E/CN.4/781/Add.2, E/CN.4/793/Add.1, E/3403/Add.1
Haiti	E/CN.4/781
Honduras	E/CN.4/781
India	E/CN.4/781/Add.1
Iran	E/CN.4/793
Israel	E/CN.4/781/Add.1, E/CN.4/793/Add.3
Italy	E/CN.4/793/Add.2
Japan	E/CN.4/781
Jordan	E/3403
Laos	E/CN.4/781, E/CN.4/793
Lebanon	E/CN.4/793/Add.6
Luxembourg	E/CN.4/793/Add.1
Malaysia	E/CN.4/793, E/3403/Add.4
Morocco	E/CN.4/781, E/CN.4/793/Add.1 and 2
Nepal	E/CN.4/781
Netherlands	E/CN.4/781/Add.1, E/3403/Add.2
Norway	E/CN.4/793
Pakistan	E/CN.4/781, E/CN.4/793/Add.2
Peru	E/CN.4/781
Philippines	E/CN.4/793/Add.5
Poland	E/CN.4/781, E/3403
Portugal	E/CN.4/781/Add.1
Spain	E/CN.4/781, E/CN.4/793/Add.2
Sweden	E/CN.4/781
Switzerland	A/4452/Add.1 and Corr.1
Tunisia	E/CN.4/793/Add.1
Turkey	E/CN.4/793/Add.4
United Arab Republic	A/4793
United Kingdom	F/CN.4/781
Venezuela	E/3403
Yugoslavia	E/CN.4/781/Add.1, E/CN.4/793/Add.1

⁷ *Ibid.*, document A/C.3/L.1037.

⁸ *Ibid.*, document A/C.3/L.1038.

ANNEX I

Text of the draft Declaration on the Right of Asylum adopted by the Commission on Human Rights on 15 March 1960

[See *Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 8*, para. 147 and *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 46, document A/5359, para. 6.]

ANNEX III

Text of the preamble and article 1 of the draft Declaration on the Right of Asylum adopted by the Third Committee at the seventeenth session of the General Assembly

[See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 46, document A/5359, para. 35.]

DOCUMENT A/C.6/L.599

Note by the Secretary-General

[Original text: English]
[18 October 1966]

1. At its 1415th plenary meeting, on 24 September 1966, the General Assembly allocated the item entitled "Draft Declaration on the Right of Asylum" to the Sixth Committee. The present note briefly summarizes, for the information of delegations, the most recent proceedings in the United Nations relating to the draft Declaration.

2. The draft Declaration on the Right of Asylum, consisting of a preamble and five articles, was adopted by the Commission on Human Rights on 15 March 1960 (A/6367, annex II). Subsequent consideration of the draft Declaration by the Third Committee of the General Assembly resulted in the adoption, by that Committee, of a preamble and one article (A/6367, annex III). The Third Committee, because of lack of time, was unable to complete the remaining articles of the draft Declaration and, at its twentieth session, the General Assembly decided to allocate the item instead to the Sixth Committee, which did not have as heavy an agenda as the Third Committee, in order to finalize the draft Declaration at the earliest opportunity.

3. To assist the Sixth Committee in its consideration of the item at the twentieth session, the Secretariat circulated a note⁹ summarizing in part I, the background of the draft Declaration and, in part II, surveying previous consideration by the Sixth Committee and by the International Law Commission of the more general question of the codification of the principles and rules of international law relating to the right of asylum. In paragraph 2 of that document it was pointed out that it had been the intention of the Commission on Human Rights and of the Third Committee that the Declaration on the Right of Asylum—which is confined to territorial asylum and does not deal with diplomatic asylum—should serve, when finally adopted, as a means of promoting respect for the right of territorial asylum as a humanitarian measure, without modifying existing rules of international law. As a result, the draft Declaration differed in scope from the more general question of the codification and progressive development of the principles and rules of international law relating to asylum, which had previously been the subject of some discussion in the Sixth Committee and in the International Law Commission and which is on the programme of future work of the Commission.

4. At the twentieth session, the Sixth Committee, on the proposal of its Chairman, established a Working Group to examine the various procedural questions

which arose in connexion with the item on the draft Declaration and to report its recommendations to the Sixth Committee. The Working Group was composed of the representatives of Australia, Bulgaria, Ceylon, Colombia, France, Iraq, Japan, Mali, Nigeria, Norway, Philippines, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

5. The report of the Working Group¹⁰ contained a number of recommendations which may be summarized as follows:

(a) The Sixth Committee should prepare a text of the draft Declaration, independently of the work of codification to be undertaken in due course by the International Law Commission. When the Sixth Committee had concluded its draft, and a Declaration had been adopted by the General Assembly, that Declaration would be one of the elements available to the International Law Commission in its task of progressively developing and codifying the rules of international law relating to the right of asylum.

(b) Taking into account that the Third Committee had adopted a text of the preamble and article 1 of the draft Declaration, it would be the task of the Sixth Committee to proceed with the consideration of articles 2 to 5 as submitted by the Commission on Human Rights and to submit to the General Assembly a complete text of a draft Declaration, making such a review of the preamble and article 1 as might, for that purpose appear to be necessary.

(c) The Secretary-General should consult with the sponsors of amendments to the draft Declaration previously submitted to the Third Committee and ascertain whether they wished those amendments to be presented, with or without modification, to the Sixth Committee.

(d) The Secretary-General should invite those Member States which had previously submitted comments on the draft Declaration to supplement those comments, and invite other Member States to submit comments before the twenty-first session.

6. The report of the Working Group also contained a draft resolution, whereby the General Assembly would request the Secretary-General to invite comments or supplementary comments on the draft Declaration from Member States, and would decide:

"... to take up to item entitled 'draft Declaration on the Right of Asylum' as soon as possible at its twenty-first session, with a view to completing the text of the draft Declaration as a whole."

⁹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 63, document A/C.6/L.564.

¹⁰ *Ibid.*, document A/C.6/L.581.

7. At its 895th meeting on 10 December 1965, the Sixth Committee adopted the draft resolution proposed by the Working Group. The report of the Sixth Committee to the General Assembly¹¹ embodied the conclusions of the Working Group outlined above, and recommended the draft resolution for adoption by the General Assembly. At its 1404th plenary meeting, on 20 December 1965, the General Assembly adopted without change the draft resolution submitted by the Sixth Committee, as its resolution 2100 (XX).

8. Pursuant to the aforementioned resolution and to the recommendations of the Working Group, the Secretary-General, by letter of 9 June 1966, invited comments or supplementary comments on the draft

¹¹ *Ibid.*, document A/6163.

Declaration from Member States. Comments so far received and other relevant information have been issued in document A/6367 and Add.1 and 2.

9. Furthermore, as required by the recommendations of the Working Group, the Secretary-General consulted with the sponsors of amendments previously submitted to the Third Committee on whether they wished those amendments to be presented, with or without modification, to the Sixth Committee. In the light of affirmative responses so far received, the Secretary-General has issued, as Sixth Committee documents, amendments, proposals, or sub-amendments by Brazil (A/C.6/L.587), Greece (A/C.6/L.591), Iraq (A/C.6/L.593), Norway and Togo (A/C.6/L.588 and Corr.1), Poland (A/C.6/L.589), and the Union of Soviet Socialist Republic (A/C.6/L.590).

DOCUMENT A/6570*

Report of the Sixth Committee

[Original text: English]
[12 December 1966]

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I. INTRODUCTION

A. HISTORY OF THE ITEM PRIOR TO THE TWENTIETH SESSION OF THE GENERAL ASSEMBLY

1. The item entitled "Draft Declaration on the Right of Asylum" has been before the General Assembly since 1960, the Commission on Human Rights having adopted a draft Declaration consisting of a preamble and five articles on 15 March 1960 (see A/6367, annex II). Subsequent consideration of the draft Declaration by the Third Committee resulted in the adoption by that Committee of the preamble and article 1 (*ibid.*, annex III). Because of lack of time, the Third Committee was

unable to complete its consideration of the remaining articles of the draft Declaration and at its twentieth session the General Assembly decided to allocate the item to the Sixth Committee, which did not have such a heavy agenda as the Third Committee, in order to finalize the draft Declaration at the earliest opportunity.

B. CONSIDERATION OF THE ITEM AT THE TWENTIETH SESSION OF THE GENERAL ASSEMBLY

2. At the twentieth session the Sixth Committee, on the proposal of its Chairman, established a working group to examine the various procedural questions which arose in connexion with the item and to report its recommendations to the Sixth Committee.

* Incorporating documents A/6570/Corr.1-5.

3. In addition to its recommendations (see A/C.6/L.599, para. 5), the Working Group submitted a draft resolution, which was approved by the Sixth Committee and recommended for adoption in its report to the General Assembly (*ibid.*, para. 7). At its 1404th plenary meeting on 20 December 1965 the General Assembly adopted this draft resolution without change as its resolution 2100 (XX).

C. SUMMARY OF PROCEEDINGS AT THE TWENTY-FIRST SESSION OF THE GENERAL ASSEMBLY

4. At the twenty-first session of the General Assembly, the General Committee recommended that the item entitled "Draft Declaration on the Right of Asylum" be allocated to the Sixth Committee, and the Assembly so decided at its 1415th plenary meeting on 24 September 1966.

1. Procedures adopted by the Sixth Committee

5. The Sixth Committee held a general debate on this item at its 919th to 923rd meetings between 26 and 31 October 1966. At its 923rd meeting it adopted a proposal by Mexico that a Working Group should be appointed by general consensus, following on consultations by the Chairman, with the task of preparing "a preliminary draft declaration on the right of territorial asylum" (see annex, para. 2). The Chairman's proposals to this effect were approved by the Sixth Committee at its 926th meeting on 7 November 1966. The establishment and terms of reference of the new Working Group are described in detail in chapter II of its report (A/C.6/L.614), which is annexed to and forms an integral part of the present report.

6. The report of the Working Group was submitted to the Sixth Committee on 7 December 1966, and was discussed by the Committee at its 953rd meeting, on 9 December 1966. Chapter I of that report contains the text of a draft Declaration on Territorial Asylum which was prepared by the Working Group, and Chapter III describes the proceedings of the Working Group, and includes the texts of all proposals, amendments and sub-amendments before it.

2. Documentation, proposals and amendments

7. In the course of its consideration of this item the Sixth Committee had before it the comments received from Governments in accordance with General Assembly resolution 2100 (XX), together with a guide to documentary references on previous comments by States (A/6367 and Add.1 and 2) and a note by the Secretary-General on the previous history of the item (A/C.6/L.599).

8. Furthermore, as proposed by the Working Group established at the twentieth session (*ibid.*, para. 5) the Sixth Committee had before it those proposals, amendments and sub-amendments previously submitted to the Third Committee which Governments, after consultation with the Secretary-General, asked to have presented, with or without modification, to the Sixth Committee at the twenty-first session. These proposals, amendments and sub-amendments are as follows:

(a) Brazil: amendment to article 4 of the draft Declaration (A/C.6/L.587);

(b) Costa Rica, Norway and Togo: amendments to articles 2, 3 and 4 of the draft Declaration (A/C.6/L.588 and Add.1 and Corr.1);

(c) Poland: amendments to the title and articles 2, 3 and 4 of the draft Declaration and proposal for the addition of a new article (A/C.6/L.589);

(d) Union of Soviet Socialist Republics: amendment to article 4 of the draft Declaration (A/C.6/L.590);

(e) Greece: amendment to article 4 of the draft Declaration (A/C.6/L.591);¹²

(f) Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania: sub-amendments (A/C.6/L.593 and Add.1 to 3) to the amendments submitted by Costa Rica, Norway and Togo to article 2, paragraph 1, and article 3, paragraph 1, of the draft Declaration (A/C.6/L.588 and Add.1 and Corr.1). In the course of the Sixth Committee's general debate on this item, in addition to the foregoing, new amendments were submitted by Uruguay (A/C.6/L.604) to the title, the preamble and article 1, 2, 3, 4 and 5 of the draft Declaration and by Brazil (A/C.6/L.605) to article 2. The texts of the proposals, amendments and sub-amendments are set out in full in the annexed report of the Working Group, under the particular portion of the text to which they relate. A comment by Italy on article 1 of the draft Declaration was submitted to the Sixth Committee and to the Working Group (A/C.6/L.606).

9. On 8 December 1966, after the Sixth Committee had received the report of the Working Group, the following draft resolution was submitted to the Sixth Committee by Iraq, Mali and the United Republic of Tanzania (A/C.6/L.616):

"The General Assembly,

"Recalling its resolutions 1839 (XVII) of 19 December 1962, and 2100 (XX) of 20 December 1965, relating to the draft Declaration on the Right of Asylum,

"1. Takes note of the report of the Sixth Committee (A/6570) containing a draft Declaration on Territorial Asylum, together with the amendments and proposals considered in connexion with the elaboration thereof,

"2. Requests the Secretary-General to transmit to States Members of the United Nations the above-mentioned text of the draft Declaration, together with the report of the Sixth Committee thereon, for their further consideration;

"3. Decides to place an item entitled 'Draft Declaration on Territorial Asylum' on the provisional agenda of the Twenty-Second Session of the General Assembly with a view to the final adoption of a Declaration on this subject."

II. CONSIDERATION OF THE ITEM IN THE SIXTH COMMITTEE

A. GENERAL DEBATE

1. General consideration relating to the draft Declaration

10. In the general debate on the draft Declaration, representatives traced the history of the institution of

¹² The representative of Greece had submitted an amendment to the effect that, in article 4 of the draft Declaration, after the words "activities contrary to" the following phrase should be added: "the national security or public order (*ordre public*) of the State granting asylum and...". He withdrew the amendment at the 923rd meeting of the Sixth Committee, before the establishment of the Working Group. It is not therefore reflected in the Working Group's report.

asylum, which was said to have ancient roots in African, Asian, Christian and Islamic cultures. Particular reference was made to the contribution of Latin America to the development of that institution. Representatives also commented upon whether or not the Sixth Committee should limit itself at this stage to territorial asylum, discussed the effect of the adoption by the Third Committee of the preamble and article 1 of the draft Declaration under consideration, and outlined the basic humanitarian purposes of the Declaration.

11. On the Latin American contribution to the growth of the law of asylum, it was said that asylum, both territorial and diplomatic, was one of the most deeply rooted norms of Latin American international law. Reference was made, in this respect, to the following inter-American conventions: the Treaty of Penal Law, Montevideo, 1889; the Havana Convention on Asylum, 1928; the Convention on Diplomatic Officers, 1928; the Convention on Political Asylum, Montevideo, 1933; the Treaty on Political Asylum and Refuge, Montevideo, 1939; and the Caracas conventions on the right of asylum, 1954. Reference was also made to the work of the Inter-American Council of Jurists in seeking to elaborate on the law of asylum and to the Judgement of the International Court of Justice of 20 November 1950 in the Asylum Case between Colombia and Peru.

12. It was said that in Latin America the right of territorial and diplomatic asylum had gradually evolved from a customary rule to a peremptory norm, designed to protect individual freedoms against persecution. Diplomatic asylum, which was an institution of regional international law and had evolved out of historical circumstances peculiar to Latin America, was granted in places enjoying immunity from the jurisdiction of the State from whose authority the person seeking asylum for political offences or political reasons sought to remove himself. That privilege of immunity was the modern equivalent of the status of extra-territoriality at one time granted to diplomatic missions. It rested with States granting diplomatic asylum to determine the nature of the offence and to decide whether a case of urgency was involved. Once diplomatic asylum was granted, the State granting it could request that the refugee should be allowed to depart for foreign territory, and the territorial State was under an obligation, except in certain exceptional cases, to grant a safe-conduct and the necessary guarantees. The process of transfer abroad transformed what was initially diplomatic asylum into territorial asylum. Some representatives expressed the hope that it would one day be possible to transform the institution of diplomatic asylum from a norm of regional international law into a norm of general international law.

13. While a few representatives considered that the Sixth Committee should feel perfectly free to study both diplomatic and territorial asylum, it was the general view that the Committee should limit itself at this stage to territorial asylum and should ensure that this limitation was adequately reflected in the text of the draft Declaration, as proposed, for example, in the amendments of Poland (see annex below, paras. 12, 40, 51 and 65) and of Uruguay (*ibid.*, para. 12). It was pointed out that the draft Declaration prepared by the Commission on Human Rights was intended to elaborate upon article 14 of the Universal Declaration of Human Rights, which, by its reference to "asylum in other countries", was clearly limited to territorial

asylum and did not apply to other forms of asylum, such as diplomatic asylum and asylum aboard warships and military aircraft. Furthermore, the draft prepared by the Commission on Human Rights was, by clear implication, limited to territorial asylum, as it referred in articles 2 and 3 (*ibid.*, paras. 29, 38 and 48) to persons who were forced to leave a country and seek refuge in another. This fact had been confirmed by the Third Committee, which had adopted a Polish amendment to refer in paragraph 1 of article 1 to "territorial asylum" (*ibid.*, para. 19).

14. It was also argued that there were fundamental distinctions between territorial and other forms of asylum which made it desirable to deal only with the former at the present stage. Territorial asylum was an application of the principle of the sovereignty of the State granting asylum, whereas diplomatic asylum was a limitation on the sovereignty of the territorial State.

15. It was stressed by a number of representatives that the task of the Sixth Committee at the present stage was not to prepare a legal statement of the right of asylum but to elaborate a series of broad humanitarian principles on territorial asylum independently of the work of codification to be undertaken in due course by the International Law Commission pursuant to General Assembly resolution 1400 (XIV). While some representatives thought that the Sixth Committee had broad and flexible terms of reference to consider the draft Declaration as a whole and was not bound by previous decisions of the Third Committee, many of those who discussed the point considered that the Sixth Committee should devote its attention principally to articles 2 to 5 proposed by the Commission on Human Rights, the text of the preamble and article 1 having been already adopted by the Third Committee. In this latter respect reference was made to the recommendations of the Working Group established at the twentieth session, which are referred to in paragraph 2 of the present report.

16. As regards the basic objectives of the proposed Declaration, it was said that the institution of territorial asylum would be considerably strengthened if the General Assembly adopted a declaration on the subject which would serve as a basis for unifying State practices, represent a further stage of progress towards the rule of law, and contribute to the development of friendly relations and co-operation among States. Such a declaration should give suitable recognition to the need for the protection of persons fleeing from persecution and should encourage States to adopt a liberal practice in granting asylum, which was a condition for the enjoyment of all other human rights. The declaration should not, however, impose any legal obligations and should also reflect that the granting of asylum was, in principle, the prerogative of sovereign States. It should seek to establish a proper balance between the rights of the State and the protection to which the individual was entitled on humanitarian grounds.

2. Preamble

17. Those representatives who commented on the text of the preamble (*ibid.*, para. 8), found it generally satisfactory. It was suggested by one representative, however, that consideration should be given to the addition of the words "or philosophical, political or social convictions" at the end of the first preambular paragraph. Some representatives also suggested that the recommendatory paragraph at the end of the

preamble should be addressed to "States" rather than "States Members of the United Nations and members of the specialized agencies" because, in their view, a declaration of the nature here contemplated should be universal in character.

3. Article 1

18. Remarks in the general debate in the Sixth Committee on article 1 of the draft Declaration, as adopted by the Third Committee at the seventeenth session of the General Assembly (*ibid.*, para. 19), were for the most part directed to three points, namely, whether or not to retain in paragraph 1 a reference to persons struggling against colonialism, the persons entitled to receive asylum referred to in paragraph 2 of the article, and observations on the sovereign right of a State to grant or to deny asylum and to evaluate the grounds for the granting of asylum which are referred to in paragraphs 1 and 3 of the article.

19. Some delegations favoured the retention in paragraph 1 of a reference to persons struggling against colonialism and, in principle, also favoured the insertion of similar references in other articles, as proposed by Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and the United Republic of Tanzania (*ibid.*, paras. 31 and 51). It was said that, although the cause of national liberation had made substantial strides in recent years, there were still countries where colonial rule was maintained by force of arms. Furthermore, neo-colonialism now existed and sought to maintain newly independent countries in a state of dependence and under-development. The General Assembly has stressed, on a number of occasions, that the continuation of colonial rule, and the practice of *apartheid* and other forms of racial discrimination threatened international peace and security and thus States were obliged to help bring colonialism to an end as quickly as possible. Persons struggling against colonialism were performing an international duty in furthering the goals of the international community, as laid down in the Charter. In the context of asylum, this meant that all States should respect the grant of territorial asylum to persons struggling against colonialism. This fact, which was also reflected in the legislation of many countries, should be recorded in any declaration adopted on asylum at the present time, as such declaration should not be an abstraction, but must be set in its historical context. It would encourage the heroic peoples fighting against colonial domination, who should be allowed to invoke that struggle as a moral and legal basis for receiving asylum.

20. As regards the persons entitled to receive asylum, some representatives listed various categories of persons mentioned in their national legislation. Reference was made, in this respect, to persons persecuted or having well-grounded fears of persecution for reasons of race, nationality, religion and political or social belief, or for reasons of artistic and trade union activities and of participation in or support of national liberation movements, or for reasons of activities in the interests of the working people and in defence of peace.

21. On the other hand, some representatives stressed that asylum could not be sought in the case of prosecutions genuinely arising out of common crimes. It was said, in this connexion, that there had been a progressive widening of the scope of asylum and a blurring of the difference between political and non-political offences

which had permitted some persons guilty of criminal offences to evade justice. These representatives therefore suggested that further consideration should be given to the insertion of an express reference in paragraph 2 of article 1 to the fact that common criminals were excluded from the protection of the right of asylum. It was also suggested that reference might be made to the need to match regulation of the law of asylum with an adequate system of extradition.

22. Other representatives thought that this matter was already adequately provided for in the preamble, where article 14 of the Universal Declaration of Human Rights, which expressly excluded common criminals from the benefits of asylum, was quoted in full. These representatives said that a declaration of this nature should be simple and intelligible to be effective and should not therefore attempt to define the various categories of persons who should or should not be considered *bona fide* applicants for asylum.

23. A number of representatives supported the existing text of paragraph 2, providing that the right to seek and enjoy asylum could not be invoked by persons who had committed a crime against peace, a war crime, or a crime against humanity. Reference was made, in this respect, to the Charter of the International Military Tribunal at Nürnberg, the Charter of the International Military Tribunal for the Far East, the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949. It was said that, by virtue of principles which had received full recognition in present-day international law, all States had a general obligation to prosecute crimes of the nature here concerned, if the criminals were within their jurisdiction.

24. There was general support in the Sixth Committee for the affirmation, in paragraph 1 of article 1, of the sovereign right of States to grant asylum. It was stressed, in this respect, that there was no rule of international law making it mandatory for a State to grant asylum. While it was true that the State's right was closely related to the human and moral right of the individual to seek and enjoy protection from persecution through asylum, the legal basis of the institution was the right of the State to grant, not the right of the individual to receive, asylum. From this it resulted that, as stated in paragraph 3 of article 1 of the draft Declaration, the State granting asylum was alone competent to evaluate the grounds for the grant of asylum. It was said, in this latter respect, that the right of a State to evaluate the grounds for the grant of asylum on its territory should be exercised in good faith and not abused. It was also said, that in arriving at evaluations, humanitarian considerations should prevail over political considerations. It was also stressed that the granting of asylum by a State could not be regarded as an unfriendly act by another State.

4. Article 2

25. Representatives who referred in the general debate to article 2 of the draft Declaration, as adopted by the Commission on Human Rights (*ibid.*, paras. 29 and 38) addressed themselves mainly to paragraph 2. A number of them considered that, as drafted, the paragraph was vague and might be taken as a basis for infringing the sovereignty of States, or interfering in their internal affairs under the pretext of rendering

assistance in cases of difficulty arising out of the grant of asylum. They therefore favoured its deletion.

26. Other representatives, however, were in favour of its retention, subject to certain possible clarifications. It was said that, by drawing attention to the moral obligation of other States to render assistance to a State experiencing difficulties as a result of granting asylum, possibly in the case of a mass influx of persons, it would lighten the burden on the latter State and enhance the humanitarian purposes of the declaration. It was suggested, however, that it should be made clear that the paragraph did not derogate from the sole right of the State to determine whether or not to grant asylum, and that some indication might be given of the type of measures to be taken by other States to ease the burden on a country which found itself in difficulties in continuing to grant asylum.

5. Article 3

27. Article 3 of the draft Declaration prepared by the Commission on Human Rights (*ibid.*, para. 48) dealt with the principle of non-refoulement, the possible grounds for exception to it, and the alternatives to making such exceptions. In the general debate various views were advanced on whether States should be left with a completely unfettered direction in matters of rejection at the frontier and expulsion or whether the Declaration should indicate certain guide-lines to be taken into consideration by a State when arriving at decisions on this matter.

28. On the one hand it was stressed that the grant of asylum, as laid down in article 1, was a sovereign prerogative of States, and that article 3 might be interpreted to derogate from this prerogative to decide on the grant, continuance or refusal of asylum. Furthermore, if a State found it necessary not to grant asylum it could not be expected to accept too strict guidance as to what it should do in that situation. On the other, it was said that the Declaration under consideration was of a humanitarian character, and should therefore indicate definite limitations on the rejection or expulsion of persons seeking or enjoying asylum. In this latter respect, some representatives stated that they considered "safeguarding of the population" to be too wide a ground of exception to the principle of non-refoulement and would permit discriminatory practices. These representatives indicated their preference for replacing this phrase by reference to a mass influx of persons.

29. Some representatives indicated their approval in principle for a reformulation of the article along the lines suggested by Costa Rica, Norway and Togo (*ibid.*, para. 53) to state the principle of non-refoulement in one paragraph, and the possible grounds for exception thereto in a separate paragraph.

30. A number of representatives also commented on the concept of provisional asylum, referred to in paragraph 2 of article 3 as drafted by the Commission on Human Rights. It was said, in this respect, that the paragraph went beyond the terms of article 14 of the Universal Declaration of Human Rights and that a temporary form of asylum might be prolonged for an indefinite period if efforts to find refuge in another country proved fruitless. Some representatives, however, welcomed the reference to provisional asylum as an important contribution to the development of the institution of asylum and its adaptation to international realities and State practice. It was, however, suggested that consideration might be given to the

alternative formulation suggested by Costa Rica, Norway and Togo (see para. 29 above), which did not employ the words "provisional asylum", as the institution of provisional asylum was unknown in some countries and had no recognized meaning in international practice.

6. Article 4

31. Article 4 of the draft Declaration adopted by the Commission on Human Rights (see annex below para. 63) provided that persons enjoying asylum should not engage in activities contrary to the purposes and principles of the United Nations. It therefore served as the basis for comments, in the general debate, on the status and obligations of a persons enjoying asylum vis-à-vis the host State and his State of origin or other States.

32. A number of representatives referred to their national legislation, and said that persons enjoying asylum in their States had the same rights and duties as other aliens in those States. Being within the jurisdiction of the host State, persons enjoying asylum were obviously subject, like any other persons within that jurisdiction, to the laws of the host State. So far as international law was concerned, the only applicable rules were those governing the position of aliens. Those representatives who considered that such principles were axiomatic, did not think it was necessary to spell them out in article 4 of the draft Declaration, and cautioned against any effort to do so, as such provisions belonged more properly to the general law applicable to all persons living in the territory of a State.

33. A number of representatives, however, suggested that further consideration should be given to elaborating article 4, possibly through the inclusion of a statement that persons enjoying asylum should not engage in activities contrary to law and order or prejudicial to the interests of the State granting asylum and should not in any other way abuse the hospitality of the community to which they had been admitted. It would thus be on record that the State granting asylum had the right, in appropriate cases, to place persons enjoying asylum under surveillance, or even intern them if their continuation of undesirable activities rendered this necessary.

34. It was also said that a person enjoying asylum should not be permitted to engage in espionage, subversion or sabotage against other States. In this respect it was stated that, if a Government assisted persons enjoying asylum on its territory in activities directed against another Government, the former Government might incur responsibility under international law. There was, according to some representatives, a practice in certain States of granting asylum to reckless elements and then using them for improper purposes. These representatives, therefore, thought that a prohibition of activities of this nature should be written into the Declaration, as proposed by the Union of Soviet Socialist Republics (*ibid.*, para. 65), and said that such a course of action would promote the purposes of the United Nations and help to establish friendly relations among States. Other representatives, however, did not consider that the present Declaration was a suitable place for suggesting what legislation a State should adopt regarding the activities and conduct of persons under its jurisdiction, or for restricting the liberties of the individual.

35. A number of representatives expressed some doubts considering the existing wording of article 4. It was difficult, in their view, to envisage how private persons could engage in "activities" contrary to the purposes and principles of the United Nations", as those purposes and principles were addressed to States and not to individuals. These representatives thought that it would be more correct to say that it was for States to determine what private persons coming within their jurisdiction could or could not do with regard to the purposes and principles laid down in the Charter. As States were the subjects of the other provisions of the draft Declaration, they should also be the subjects of article 4.

7. Article 5

36. Article 5 of the draft Declaration prepared by the Commission on Human Rights (*ibid.*, para. 73) reaffirmed the right of everyone to return to his country as stated in article 3, paragraph 2, of the Universal Declaration of Human Rights. Of the few delegations commenting on article 5 in the general debate, some believed that it was irrelevant and confusing in this context and that its omission should therefore be considered.

37. A suggestion was made that, if the article were retained, it should be amplified by drawing a distinction between persons enjoying asylum who were "political internees" and those who were not. It was pointed out, in this context, that certain inter-American Conventions, namely the Convention on Political Asylum, Montevideo, 1933, and the Convention on Territorial Asylum, Caracas, 1954, made the departure of internees from a country of asylum contingent on the fulfilment of certain special conditions. The view was also put forward that the article might be further qualified, in favour of persons enjoying asylum, by requiring a public declaration by such persons of their intention to exercise the right of return.

8. Proposed new articles

38. There was some comment in the general debate on the proposals of Poland and of Uruguay (*ibid.*, para. 79) to add a new article affirming that the Declaration did not affect treaty obligations relating to asylum. It was suggested that, if such an article were eventually included, it might also refer to treaties of extradition, because of the link between asylum and extradition. It was also said that the article might be qualified by a reference to the supremacy of the purposes and principles of the United Nations.

39. A few representatives also thought that consideration might be given to inserting additional articles on matters such as the definition of asylum, the differences between asylum and extradition, and the termination of the status of a person enjoying asylum through processes such as voluntary renunciation, marriage, or a change in the circumstances on which the claim to asylum was originally based.

B. CONSIDERATION OF THE REPORT OF THE WORKING GROUP AND OF THE DRAFT RESOLUTION

40. The Chairman of the Working Group presented the Group's report (see annex below) to the Sixth Committee at its 953rd meeting, on 9 December 1966. He explained that the Working Group had approached its task on the understanding that it was not preparing

legal norms, but was laying down humanitarian principles which States may rely upon in seeking to unify their practices relating to asylum. The Working Group had therefore felt that, to have maximum effect, the Declaration should be of a broad and general nature and in simple terms. The Working Group had not thought it desirable to enter into technical matters, such as the definition of asylum and its link to extradition and refugee questions, nor into matters of detail, such as the ways for granting or ending asylum. These appeared to be issues better dealt with when the International Law Commission took up the legal task of developing and codifying the law relating to asylum. The Working Group had therefore confined itself, in large measure, to the text of articles 2 to 5 of the draft Declaration prepared by the Commission on Human Rights and the Preamble and article 1 adopted by the Third Committee, together with the various formal proposals and amendments submitted to those texts.

41. Representatives who intervened in the subsequent debate on the report of the Working Group congratulated the members of the Group on the results they had achieved, and stated that the text prepared by the Group was a valuable contribution deserving most serious consideration by Governments. It was nearly twenty years since the Universal Declaration of Human Rights had been adopted and it was regrettable that no definitive text on asylum, referred to in article 14 of that Declaration, had yet been arrived at; in view of the pressing need for such a text, which, while not laying legal obligations on States, would set forth positive humanitarian principles. The results achieved by the Working Group now made it most probable that such a text could be proclaimed by the General Assembly at its next session.

42. A number of representatives indicated certain points on which they wished to reserve the position of their delegations pending full consideration of the text prepared by the Working Group. Among these points were the following: the limitation or otherwise of the proposed declaration to persons entitled to invoke article 14 of the Universal Declaration of Human Rights; the inclusion or deletion of the reference to persons struggling against colonialism in paragraph 1 of article 1; the further clarification of the term "crimes against the peace" in paragraph 2 of article 1; the inclusion or deletion of paragraph 2 of article 2; the possible reformulation of paragraph 1 of article 3 to refer to a "well-founded fear of persecution...", as suggested in paragraph 55 of the Working Group's report; the further clarification of paragraph 2 of article 3, in particular the final phrase thereof referring to a mass influx of persons; the wording of article 4, which several representatives considered to be vague and unclear; and the possible insertion in the declaration of a reference to the need to match any regulation of asylum by an adequate system of extradition.

43. One representative raised the question of the legal effect of the proposed declaration, in view of what he stated to be the ambiguity of the expression "declaration" in United Nations practice, referring particularly to the memorandum of the Secretariat, dated 2 April 1962.¹³ He said that, in order to facilitate consideration of the text, there should be absolute clarity on the question of whether the draft declaration was or was not intended to be legally binding upon States. In response to these remarks, the Chairman of the

¹³ Document E/CN.4/L.610, mimeographed.

Working Group said that the proposed declaration would have the same force as any other recommendation addressed to Governments by the General Assembly in the field of human rights, and that its basic purpose was purely humanitarian.

44. In addition to the discussion of the report of the Working Group, the Sixth Committee also took up the draft resolution sponsored by Iraq, Mali and the United Republic of Tanzania (see para. 9 above) at its 953rd meeting. Introducing that resolution, the representative of the United Republic of Tanzania said that it was of a simple procedural character and was based on the premise that, at such a late stage in the twenty-first session of the General Assembly, Governments did not have the opportunity to reflect in full upon the text presented in the report of the Working Group and would therefore prefer more time for study before the Declaration was finally adopted. It was therefore proposed that the draft Declaration and report of the Sixth Committee should be sent to Governments for their further consideration and that the draft should be finalized and proclaimed at the next session of the General Assembly.

45. All representatives who spoke in the debate welcomed the draft resolution and the opportunity it afforded for further study. They expressed the conviction that it should prove possible to proclaim the Declaration at the twenty-second session.

46. The draft resolution was put to a vote at the conclusion of the 935th meeting of the Sixth Committee on 9 December 1966 and was adopted unanimously.

RECOMMENDATION OF THE SIXTH COMMITTEE

47. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

DRAFT DECLARATION ON THE RIGHT OF ASYLUM

{Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.}

ANNEX

Report of the Working Group*

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* Previously issued under the symbol A/C.6/L.614 and Corr.1-3.

I. TEXT OF THE DRAFT DECLARATION PREPARED BY THE WORKING GROUP

1. In the light of the report set out below, the Working Group on the draft Declaration on the Right of Asylum has prepared and hereby submits to the Sixth Committee the following text:

"DRAFT DECLARATION ON TERRITORIAL ASYLUM

"The General Assembly,

"Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations, and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

"Mindful of the Universal Declaration of Human Rights which declares in article 14 that '(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution; (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations',

"Recalling also paragraph 2 of article 13 of the Universal Declaration of Human Rights which states 'Everyone has the right to leave any country, including his own, and to return to his country',

"Recognizing that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that as such it cannot be regarded as unfriendly by any other State,

"Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons,^a States should base themselves in their practices relating to territorial asylum on the following principles:

"Article 1

"1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism,^b shall be respected by all other States,

"2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.

"3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum.

"Article 2

"1. The situation of persons referred to in article 1, paragraph 1, is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community.

"2. Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden on that State.^c

^a Observations and suggestions regarding the phrase "without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons" which were reserved for possible further consideration will be found in paragraph 15-18 below.

^b Some representatives favoured the deletion of the words "including persons struggling against colonialism". For observations made and other suggestions see paragraphs 21-24 below.

^c Some representatives favoured the deletion of this paragraph. For observations and suggestions see paragraphs 41-43 below.

"Article 3"

"1. No person referred to in article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution.

"2. Exception may be made to the foregoing principle only for overriding reasons of national security or in order to safeguard the population, as in the case of a mass influx of persons.

"3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it shall consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate, an opportunity, whether by way of provisional asylum or otherwise, of going to another State.

"Article 4"

"States granting asylum shall not permit persons who have received asylum to engage in activities contrary to the purposes and principles of the United Nations.

II. ESTABLISHMENT AND TERMS OF REFERENCE OF THE WORKING GROUP

2. At the 922nd meeting of the Sixth Committee, on 28 October 1966, the representative of Mexico orally introduced the following proposal:

"The Sixth Committee"

"Authorizes its Chairman to engage in such consultations as he considers appropriate for the purpose of appointing by general consensus, and as soon as possible, a working group whose task shall be to prepare a preliminary draft declaration on the right of territorial asylum. In carrying out this task, the working group will have as working documents:

"(a) The text of the draft Declaration on the Right of Asylum adopted by the Commission on Human Rights on 15 March 1960;

"(b) The text of the preamble and article 1 of the draft Declaration adopted by the Third Committee at the seventeenth session of the General Assembly;

"(c) The amendments and comments submitted in writing by Member States;

"(d) Specific suggestions made during the discussion of the item at the twenty-first session of the General Assembly;

"(e) The existing international instruments relating to the matter."

The Sixth Committee adopted this proposal on 31 October, at its 923rd meeting (A/C.6/374).

3. The Chairman of the Sixth Committee reported to the Committee at its 925th meeting, on 4 November 1966, on the consultations he had held pursuant to the foregoing decision, and suggested that a Working Group of twenty members should be established, to consist of Australia, Belgium, Bulgaria, Ceylon, Colombia, France, Hungary, Iraq, Japan, Mali, Mexico, Nigeria, Norway, Philippines, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Venezuela. The Chairman further suggested that the Rapporteur of the Sixth Committee should be authorized to attend the meetings of the Working Group, and indicated that the terms of reference of the Group, and the documents it would use as a basis for its work, were those mentioned in the resolution set out in the preceding paragraph of this report. Finally, the Chairman proposed that the Group should elect its own officers and establish its own methods of work.

4. The foregoing suggestions and proposals of the Chairman were approved by the Sixth Committee at its 926th meeting on 7 November 1966.

III. PROCEEDINGS OF THE WORKING GROUP

A. ORGANIZATION AND METHODS OF WORK

5. The Working Group held 14 meetings between 14 November and 6 December 1966. At the outset of its work the Group, on the proposal of Iraq, unanimously elected Mr. E. E. Seaton (United Republic of Tanzania) as its Chairman-Rapporteur.

6. In accordance with its mandate, the Working Group discussed its methods of work at its second and third meetings on 15 November. Initially, varying views were expressed as to whether the Group should commence with the preamble, with article 1, or with article 2 and subsequent articles. In the outcome, it was unanimously decided to begin with article 2, and to proceed thereafter to consider the succeeding articles, on the understanding that the Group could undertake a review of the preamble and article 1 at any stage, if issues raised in connexion with the subsequent articles rendered this appropriate.

7. While the Group proceeded in the manner just indicated, and completed its consideration of article 2 and the remaining articles before reviewing the preamble and article 1, the present report, for purposes of convenience, deals first with the preamble, and thereafter with the articles in their numerical order.

B. CONSIDERATION OF THE DRAFT DECLARATION

1. Preamble

8. The text of the preamble and recommendatory paragraph of the draft Declaration adopted by the Third Committee at the seventeenth session of the General Assembly, on which the Working Group based its review, reads as follows:

"The General Assembly,

"Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all States, and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

"Mindful of the Universal Declaration of Human Rights which declares in article 14 that '(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution; (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations',

"Recalling also paragraph 2 of article 13 of the Universal Declaration of Human Rights which states 'Everyone has the right to leave any country, including his own, and to return to his country',

"Recognizing that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that as such it cannot be regarded as unfriendly by any other State,

"Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States Members of the United Nations and members of the specialized agencies should base themselves in their practices on the following principles:"

9. Amendments to the first and fifth of the above paragraphs, submitted by Uruguay (A/C.6/L.604) to the Sixth Committee, provided as follows:

"First paragraph: Add the following at the end: 'or philosophical, political or social convictions';

"Fifth paragraph: Insert the word 'territorial' before the word 'asylum'. Delete the words 'Members of the United Nations and members of the specialized agencies'."

10. Members of the Working Group were not in favour of the adoption of the amendment of Uruguay to refer, in the first preambular paragraph, to "philosophical, political or social convictions". It was pointed out, in this connexion, that the preambular paragraph in question paraphrased certain

of the purposes and principles of the United Nations, set out in Article 1, paragraphs 1 to 3, of the Charter, which paragraphs did not contain the additional words suggested by Uruguay. It was therefore decided to leave the first paragraph of the preamble without change in this respect, so as to conform to the corresponding provisions of the Charter. For reasons of conformity also and in view of the reference in Article 1, paragraph 2, of the Charter to developing friendly relations among "nations", the Working Group decided to change the word "States" in the first preambular paragraph to "nations".

11. No amendments to the second, third and fourth paragraphs of the preamble having been suggested, the Working Group left these paragraphs unchanged.

12. In its consideration of the paragraph following on the preamble and containing the recommendation to the General Assembly, the Working Group took up a number of points, as well as the amendment of Uruguay. Noting that its terms of reference required it to prepare a draft declaration on "territorial asylum", and that amendments had been proposed to the preamble and other articles to insert the word "territorial" before the word "asylum", the Working Group agreed that this matter could be dealt with most appropriately by entitling the draft as the "Draft Declaration on territorial asylum" (as had been proposed by Poland and by Uruguay in documents A/C.6/L.589 and A/C.6/L.604 respectively), and by inserting the words "relating to territorial asylum" in the paragraph containing the recommendation of the General Assembly, so that the end of that paragraph would read as follows: "should base themselves in their practices relating to territorial asylum on the following principles". The Working Group was of the view that these references were fully adequate to denote that the operative articles of the draft Declaration related solely to territorial asylum, and that it would not therefore be necessary to insert the word "territorial" before the word "asylum" in those articles.

13. The Working Group also noted that in the English text of the recommendatory paragraph it was proposed that States "should base themselves" (emphasis added), while in the operative articles, a number of amendments had been submitted to replace the word "should" in English by the word "shall". The Working Group considered that it was appropriate to retain the word "should" in the recommendatory paragraph, but that the word "shall" should be used in the relevant operative articles which, while not of a binding character, would be strengthened in their humanitarian purposes and have more persuasive value as a result of this change.

14. The Working Group accepted the amendment of Uruguay to delete the words "Members of the United Nations and members of the specialized agencies" in the recommendatory paragraph, as it was felt that a declaration of this nature should be universal in character and that the operative paragraphs were drafted in such a manner as not to indicate any limitation on the scope of the draft Declaration.

15. Various observations and suggestions were made in the Working Group regarding the phrase "without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons". Some representatives believed that the phrase was satisfactory as it stood, and pointed out that it had been examined in detail in the Third Committee. They considered that the phrase properly referred to "instruments" rather than to treaty obligations, as there were a number of instruments other than formal treaties, such as recommendations of international bodies, on which States acted in this field. They also felt that, in view of an earlier decision of the Working Group (see paras. 79-80 below) not to add an additional article to the draft Declaration on this subject, because it was covered in the preamble, it would now be tantamount to reconsideration to reopen the matter.

16. Some other representatives, however, believed that the phrase was unnecessary, as a declaration of the character here concerned could obviously not affect the legal obligations of States under treaties and similar instruments, and insertion of it might therefore give rise to some misunderstanding on this matter. Furthermore, in the view of these representatives, the phrase was either too narrowly drawn in not referring to other instruments such as extradition treaties which might be

involved, or incorrect in not confining itself expressly to international instruments. It was suggested by a number of these representatives that the phrase might be reworded on the following lines: "without prejudice to existing international instruments", or "without prejudice to existing valid international instruments", references to asylum refugees and stateless persons being omitted. Another alternative suggested was "without prejudice to international instruments affecting the institution of asylum and the status of refugees and stateless persons".

17. As the Working Group, in the time at its disposal, was unable to resolve this particular matter, it was decided to retain the phrase in its existing form, on the understanding that the various observations and suggestions made would be remitted to the Sixth Committee for its consideration, if it so desired.

18. On the basis of the foregoing, the Working Group left unchanged the second, third and fourth preambular paragraphs and submits the first preambular paragraph and the recommendatory paragraph, the latter being subject to the observations just made, to the Sixth Committee in the following form:

Noting that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations, and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

"..."

Recommends that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States should base themselves in their practices relating to territorial asylum on the following principles:"

The full text of the draft Declaration, including all the preambular paragraphs, will be found in paragraph 1 above.

2. Article 1

19. Article 1, paragraphs 1, 2 and 3 of the draft Declaration, adopted by the Third Committee at the seventeenth session of the General Assembly, on which the Working Group based its review, reads as follows:

"1. Territorial asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

"2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.

"3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum."

20. An amendment to paragraph 1 of article 1 was submitted to the Sixth Committee by Uruguay (A/C.6/L.604), and in the course of the proceedings of the Working Group formal amendments to paragraphs 1 and 2 were submitted by Colombia. These amendments were to the following effect:

(a) Uruguay:

"In paragraph 1 delete the words 'including persons struggling against colonialism'.^a

(b) Colombia:

"Paragraph 1. Replace the word 'entitled to invoke' by the words 'having serious reasons for invoking';

"Paragraph 2. (i) Replace the words 'The right to seek and to enjoy asylum may not be invoked' by the words: 'The benefits of the article mentioned in the foregoing paragraph

^aA further amendment by Uruguay in document A/C.6/L.604 to replace, in the Spanish text of article 1, paragraph 3, the word *corresponderé* by the word *competete* was reserved. pending harmonization of the final language texts of the draft Declaration.

may not be invoked or enjoyed'; (ii) Between the new word 'enjoyed' and the words 'by any person', insert the following: "by any person charged with common crimes or."

21. The amendment of Uruguay to delete the words "including persons struggling against colonialism" was considered by some members of the Working Group to be an issue which should be resolved in the Sixth Committee and not in the Working Group. Those representatives who supported specific mention of persons struggling against colonialism considered that such mention was timely and appropriate in view of the great importance presently attached to the anti-colonial struggle, as reflected in the numerous international instruments referring to the need to liquidate colonialism. The struggle against colonialism was a struggle to secure the realization of certain of the purposes and principles of the United Nations, and persons engaged in that struggle were performing an international function and were entitled to special consideration and protection. While such a reference would no doubt have political connotations, the question of asylum had always been a political matter and a declaration adopted at this time must be realistic and must not ignore modern realities particularly in Africa, and present-day humanitarian considerations. Furthermore, because the struggle against colonialism was relatively novel, it was most desirable to draw the attention of States specifically to the fact that persons engaged in that struggle were entitled to asylum, together with any of the other categories of persons covered by article 14 of the Universal Declaration of Human Rights. This was particularly necessary, in view of the right of States granting asylum, set out in paragraph 3 of article 1, to evaluate the grounds for the grant of asylum. Finally, it was said that the Working Group could not go back on decisions of substance made by the Third Committee in respect of article 1, one such decision being the insertion of the reference to persons struggling against colonialism.

22. Other representatives, however, favoured the deletion of the phrase in question as they considered that it was unnecessary, undesirable and introduced a contentious political element into what should be a generally acceptable text. Any declaration adopted by the General Assembly on asylum should be of continuing value. The colonial era was now virtually ended, and thus to make specific mention of persons struggling against colonialism would be to clutter up the text with a reference which would not be of any interest or concern in the future. Furthermore, to single out a particular category of persons in the manner done in paragraph 1, might be understood to imply that this category was not already covered by article 14 of the Universal Declaration of Human Rights. Persons struggling against colonialism either came already within the ambit of that provision or, if they did not, they should not be included specifically in a declaration elaborating upon article 14 of the Universal Declaration.

23. A number of representatives thought that, if the reference to persons struggling against colonialism were to be retained, it should be redrafted either in paragraph 1 or placed in an appropriate wording in the preamble. It was suggested, on behalf of the Latin American group of States, that the reference should be retained in paragraph 1 in the following form "including those persons who are persecuted for their struggle against colonialism", which was considered to be more appropriate by those States in the context of a declaration relating to persons fleeing from various forms of persecution. Another representative suggested that the reference in question should be deleted from paragraph 1 and inserted as a new preambular paragraph, immediately preceding the recommendatory clause affirming that persons persecuted for struggling against colonialism are entitled to invoke article 14 of the Universal Declaration of Human Rights.

24. The Working Group was unable to resolve the issue of the retention, deletion or reformulation of the phrase in question, and therefore remits the above observations and suggestions to the Sixth Committee for its possible further consideration of the matter.

25. The Working Group was of the view that the amendment by Colombia to paragraph 1 of article 1, was mainly of a terminological character affecting the Spanish text. It was therefore decided to retain "entitled to invoke" in the English

text, and to substitute the words "*justificación para*" for "*derecho a*" in the Spanish text.

26. The amendment by Colombia to paragraph 2 was supported in principle by a number of representatives. Others, however, pointed out that the main purport of that amendment, which was to indicate that persons guilty of non-political crimes were not entitled to seek asylum, was already covered in paragraph 2 of article 14 of the Universal Declaration of Human Rights, which appeared verbatim in the preamble and which was incorporated by reference into paragraph 1 of article 1. On the understanding that this fact would be recorded in the report of the Working Group, the amendment of Colombia was withdrawn.

27. It was also decided to record in the report a view expressed to the effect that the right of the State granting asylum, as set out in paragraph 3 of article 1, to evaluate the grounds for the grant of asylum, was a right to be exercised in good faith and in a non-arbitrary manner. Furthermore, it was agreed to include the view that the word "right" appearing in paragraph 2 of article 1 was to be interpreted as a moral right and not as a legal right which imposed obligations on States. In this respect Nigeria proposed that the opening words of paragraph 2 should be reformulated as follows: "The benefits of this declaration may not be claimed by any person with respect to whom there are serious reasons etc."

28. On the basis of the foregoing, and subject to the observations and suggestions set out in paragraphs 21 to 24 above with respect to the phrase "including persons struggling against colonialism", the Working Group submits article 1, paragraphs 1, 2 and 3 to the Sixth Committee in the following form:

"Article 1

"1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

"2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.

"3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum."

3. Article 2

(i) Paragraph 1

29. Article 2, paragraph 1, of the draft Declaration adopted by the Commission on Human Rights reads as follows:

"The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community." (A/6367, annex II).

30. Amendments to this paragraph were submitted to the Sixth Committee by Costa Rica, Norway and Togo (A/C.6/L.588 and Add.1) and by Uruguay (A/C.6/L.604). A sub-amendment to the first of these amendments was submitted by Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, the United Arab Republic and the United Republic of Tanzania (A/C.6/L.593 and Add. 1 to 3). In the course of the Working Group's consideration of this paragraph, formal amendments were submitted by the United States of America and by Colombia.

31. The foregoing amendments and sub-amendment were to the following effect:

(a) Costa Rica, Norway and Togo:

"Replace 'The situation of persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution by 'The situation of persons entitled to invoke article 14 of the Universal Declaration of Human Rights.'"

(b) Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania:

"Sub-amendment to the amendment by Costa Rica, Norway and Togo to add at the end of that amendment the words 'and persons struggling against colonialism'."

(c) Uruguay:

"(i) Replace the word 'forced' by the word 'impelled'.

(ii) Add the words 'or regional bodies' after the reference to the United Nations".

(d) United States of America:

"Replace the words 'persons who are forced to leave their own or another country because of persecution or well-founded fear of persecution' by the words 'persons referred to in the first paragraph of the preceding article...'"

(e) Colombia:

"Replace the text by the following: 'The situation of persons referred to in paragraph 1 of the foregoing article is of concern to the international community, without prejudice to the sovereignty of States or to the purposes and principles of the United Nations.'"

32. There was general support in the Working Group for some formulation which would standardize and simplify references throughout the articles to the persons covered by those articles, as suggested in the amendment of Costa Rica, Norway and Togo and in the amendment of the United States. In this respect, the Working Group decided to adopt, as the most succinct approach, that suggested by the United States amendment, as reformulated in the course of discussion, namely to insert references to "persons referred to in article 1, paragraph 1". Certain representatives stated that their acceptance of this approach was conditioned on their understanding that article 1, paragraph 1, would remain unchanged.

33. The Working Group took into account, in this respect, the comment by Italy, (A/C.6/L.606) to the effect that it might be unduly restrictive to limit the proposed declaration only to persons entitled to invoke article 14 of the Universal Declaration of Human Rights (i.e. the persons referred to in article 1, paragraph 1, of the present draft Declaration). Representatives in the Working Group, while some of them expressed their understanding for the preoccupations of the Italian Government, felt that the draft Declaration they were considering was in the nature of an elaboration upon article 14 of the Universal Declaration of Human Rights and should therefore not be extended at this stage to persons other than those mentioned in article 14. Different States might have different views or legislation on the categories of persons to whom asylum should be granted, but it was the task of the Working Group to base itself on a well-established international definition, such as that contained in article 14 of the Universal Declaration.

34. In the light of the solution adopted by the Working Group with respect to the standard formulation of persons covered by the articles on asylum, it was not necessary to consider in detail the amendment of Costa Rica, Norway and Togo, or the sub-amendment thereto submitted by Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania, nor was it necessary to consider the first amendment of Uruguay to replace the word "forced" by the word "impelled", as the phrase containing that word was replaced by the new formulation. Furthermore, as that new formulation contained the word "State" rather than the word "country" it was decided that, in the interest of uniformity, the word "State" should be employed throughout the text of the articles.

35. The second amendment of Uruguay, to insert a reference to "regional bodies" after the reference to the United Nations in paragraph 1, was considered by some representatives to raise a possibly contentious issue. It was generally felt that such an additional reference was unnecessary, as the purposes and principles of the Charter were wide enough to embody all the relevant purposes and principles of regional organizations.

36. The amendment of Colombia, which related to the placing of the phrase "without prejudice to the sovereignty of

States or to the purposes and principles of the United Nations" at the end, and not in the middle of the paragraph, was explained as a desirable stylistic change in the Spanish text. It was consequently adopted in that text.

37. On the basis of the foregoing, the Working Group submits the following text of paragraph 1 of article 2 to the Sixth Committee for its consideration:

"ARTICLE 2

"1. The situation of persons referred to in article 1, paragraph 1, is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community."

(ii) Paragraph 2

38. Article 2, paragraph 2, of the draft Declaration adopted by the Commission on Human Rights reads as follows:

"Where a country finds difficulty in continuing to grant asylum, States individually or jointly or through the United Nations should consider in a spirit of international solidarity appropriate measures to lighten the burden on the country granting asylum." (A/6367, annex II)

39. Amendments to this paragraph were submitted to the Sixth Committee by Costa Rica, Norway, and Togo (A/C.6/L.588 and Add.1), by Poland (A/C.6/L.589), by Uruguay (A/C.6/L.604) and by Brazil (A/C.6/L.605). In the course of the Working Group's consideration of this paragraph, formal amendments were submitted by Colombia and by Sudan.

40. The foregoing amendments were to the following effect:

(a) Costa Rica, Norway and Togo:

"(i) Insert the words 'granting or' between the words 'in' and 'continuing' so that the phrase reads: 'Where a country finds difficulty in granting or continuing to grant asylum';

"(ii) Change 'should consider in a spirit of international solidarity' to read 'shall consider in a spirit of international solidarity.'"

(b) Poland:

"Insert the word 'territorial' before the word 'asylum'."

(c) Uruguay:

"Add the words 'or regional bodies' after the reference to the United Nations."

(d) Brazil:

"Delete paragraph 2."

(e) Colombia:

"(i) After the first word 'Where', insert the words 'the Government of';

"(ii) Insert between the words 'to grant' and 'asylum' the word 'territorial'; and

"(iii) Replace the words 'should consider' by the words 'shall at its request consider.'"

(f) Sudan:

"Add the words 'at its request' at the end of the paragraph."

41. Some delegations favoured the amendment by Brazil to delete paragraph 2, while others felt that it should be retained. Those who favoured the retention of the paragraph pointed out that it was complementary to paragraph 1 of article 2 and that it made provision for what was often a serious situation in which a State might find itself if faced by a mass influx of persons seeking asylum. Furthermore, the paragraph reflected provisions contained in the Convention relating to the Status of Refugees of 1951, which should also be reflected in the Declaration under consideration. States, with paragraph 2 in mind, might be prepared to admit persons seeking asylum who might otherwise be rejected, thus broadening the humanitarian impact of the Declaration. Furthermore, paragraph 2 did not in any way impinge on the sovereignty of States, as this matter was expressly reserved in the first paragraph of the article.

42. Other representatives were of the view that paragraph 2 was vague and unnecessarily complicated what should be a simple and direct text. It was merely an elaboration of what

was stated in paragraph 1. Furthermore, it went beyond the scope of the Declaration under consideration. That Declaration was meant to deal with questions of asylum, not of international assistance. In addition, as drafted, the paragraph might be interpreted to permit an infringement upon the sovereignty of States and interference in their internal affairs, as it did not lay down that assistance should only be considered and rendered by other States at the request of the State in difficulty.

43. A number of representatives avoured amendments along the lines of those of Colombia and of Sudan, which were explained to be intended to make it clear that assistance would only be rendered at the request of the State in difficulty. However, these amendments were not pressed, in view of the continued objections of some representatives to the text of the paragraph as a whole.

44. Those representatives favouring the retention of the text of paragraph 2 were generally agreed that it would be improved and widened in its humanitarian purposes by adopting the amendment of Costa Rica, Norway and Togo to insert the words "granting or" between the words "in" and "continuing". It was therefore included, together with a consequential drafting change at the end of the paragraph.

45. In view of the decisions of the Working Group recorded above in paragraph 12 about the use of the word "territorial" before the word "asylum", and the words "should" and "shall" (see para. 13 above), it was not necessary to consider in detail the amendments to this effect to paragraph 2 by Costa Rica, Norway and Togo, by Poland, and by Colombia.

46. The amendment by Uruguay, to add a reference to "regional bodies" after the reference to the United Nations, was considered by some representatives, who supported the retention of paragraph 2, to be of utility, as regional organizations might be in a particularly advantageous position to render assistance in the circumstance contemplated. However, as other representatives were of the view that the addition would unnecessarily complicate the text, and that the point was already covered by the reference in the paragraph to States acting "jointly", the amendment was not included.

47. On the basis of the foregoing and subject to the view of some delegations that paragraph 2 of article 2 should be deleted, the Working Group submits that paragraph 2 to the Sixth Committee in the following form:

Article 2

"2. Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider in a spirit of international solidarity, appropriate measures to lighten the burden on that State."

4. Article 3

48. Article 3, paragraph 1 and 2, of the draft Declaration adopted by the Commission on Human Rights reads as follows:

"No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights should, except for overriding reasons of national security or safeguarding of the population, be subjected to measures such as rejection at the frontier, return or expulsion which could result in compelling him to return to or remain in a territory if there is well-founded fear of persecution endangering his life, physical integrity, or liberty in that territory.

"In cases where a State decides to apply any of the above-mentioned measures, it should consider the possibility of the grant of provisional asylum under such conditions as it may deem appropriate, to enable the persons thus endangered to seek asylum in another country" (A/6367, annex II).

49. Amendments to these paragraphs were submitted to the Sixth Committee by Costa Rica, Norway and Togo (A/C.6/L.588 and Add.1), by Poland (A/C.6/L.589), and by Uruguay (A/C.6/L.604). A sub-amendment to the first of these amendments was submitted by Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, the United Arab Republic and the United Republic of Tanzania (A/C.6/L.593 and Add.1 to 3). In the course of the Working

Group's consideration of this article, formal amendments were submitted by the United States of America, by Nigeria, by the United Kingdom of Great Britain and Northern Ireland, by Colombia, by France, and jointly by Norway and the United Kingdom of Great Britain and Northern Ireland. The amendment of Nigeria was subsequently revised and a sub-amendment to that revised amendment submitted by Sudan.

50. The foregoing amendments and sub-amendments may, for purposes of convenience, be divided into (i) textual changes and (ii) reformulations. These two categories are considered separately below.

(i) Textual changes

51. (a) Costa Rica, Norway and Togo:

"(i) In paragraph 1, replace 'No one seeking or enjoying asylum in accordance with' by 'No one entitled to invoke article 14 of...';

"(ii) In the English text of paragraph 1, replace the word 'should' by 'shall'."

(b) Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania:

"Sub-amendment to the first of the amendments by Costa Rica, Norway and Togo to add after the words 'article 14 of the Universal Declaration of Human Rights' the words 'or persecuted as the result of colonial oppression'."

(c) Poland:

"Insert the word 'territorial' before the word 'asylum'."

(d) United States of America:

"In article 3, paragraph 1, replace the words 'No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights' by the words 'No person referred to in paragraph 1 of article 1, seeking or enjoying asylum,'"

52. In view of the decision taken by the Working Group, in principle, in favour of a standard reference along the lines proposed by the United States amendment to the persons covered by the Declaration (see para. 32 above), it was unnecessary to consider the amendment of Costa Rica, Norway and Togo just set out, and the sub-amendment thereto by Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania. Likewise the textual amendment of Poland was covered by the Working Group's decision regarding references to "territorial asylum" (see para. 12 above).

(ii) Reformulations

53. (a) Costa Rica, Norway and Togo:

"(i) Delete in paragraph 1 the words 'except for overriding reasons of national security or safeguarding the population';

"(ii) Insert a new paragraph to read as follows: 'This provision may not be invoked in the case of an individual who constitutes a danger to national security nor in the case of a mass influx which endangers the safety of the nation.';

"(iii) Second paragraph of article 3 to become third paragraph, reading as follows: 'In cases where a State decides to base its action on the preceding paragraph of this article, it shall consider, under such conditions as it may deem appropriate, allowing the persons concerned a reasonable period and all the necessary facilities to enable them to seek asylum in another country.'"

(b) Uruguay:

"Replace article 3, paragraphs 1 and 2, by the following:

"'Any person enjoying asylum shall be subject exclusively to the laws of the host country during such time as he remains in that country.

"'No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights should be subjected to measures such as rejection at the frontier, return or expulsion which would result in compelling him to return or to remain in a territory if there is well-founded fear of persecution endangering his life, physical integrity or liberty in that territory.

"However, asylum may be terminated for overriding reasons relating to national security or acts contrary to the legal order of the country granting asylum, by reason of acts or activities on the part of the person enjoying asylum which are directed towards the use of force or violence against the State from which he came or its government, or by reason of activities contrary to the purposes and principles of the United Nations."

(c) Nigeria:

"Delete the whole article and substitute the following: 'No person referred to in article 1, paragraph 1, who seeks or enjoys asylum shall be rejected at the frontier or having entered the territory of asylum be expelled therefrom or returned to the country of flight save on the grounds of national security or public order. However, before being returned to the State of flight or expelled from the State of refuge such person shall be given ample opportunity to seek asylum in another country.'"

(d) Sub-amendment by Sudan to the amendment of Nigeria:

"After the words 'public order' add the words 'or absence of well-founded fear for flight.'"

(e) United Kingdom of Great Britain and Northern Ireland:

"In article 3, paragraph 2:

"(i) Delete: 'In cases where a State decides to apply';

"Insert: 'If, nevertheless, in any case to which the preceding paragraph relates, a State finds it necessary, for such overriding reasons, and despite such well-founded fear, to take';

"(ii) Delete: 'of the grant of provisional asylum under such conditions as it may deem appropriate, to enable the persons thus endangered to seek asylum in another country';

"Insert: 'of allowing the person who would be thus endangered the opportunity, under such conditions as it may deem appropriate, of going to some other country.'"

(f) Colombia:

"Article 3, paragraph 1. Redraft as follows:

"Except for reasons of the national security or public safety of a State, no person referred to in article 1, paragraph 1, who is seeking or enjoying territorial asylum may be rejected at the frontier or expelled from the territory or expelled from the country in which he is seeking asylum, or returned to the country from which he has fled, it being understood that before returning such a person to the territory whence he came or expelling him from the State in which he is seeking asylum he shall be granted provisional asylum so that he may be afforded ample opportunity to seek asylum in another country."

"If this amendment is approved, article 3, paragraph 2, will be deleted."

(g) France:

"Reformulate article 3 as follows:

"No person referred to in article 1 seeking or enjoying asylum shall be rejected at the frontier or, having entered the territory of asylum, be expelled therefrom or returned to the country whence he fled, unless he constitutes a threat to national security or there is a mass influx of people threatening the safety of the nation.

"However, before being returned to the State whence he fled or being expelled from the State of refuge he shall be given, under such conditions as may be deemed appropriate, a reasonable period of time and ample opportunity to seek asylum in another country.'"

(h) Norway and the United Kingdom of Great Britain and Northern Ireland:

"1. In article 3, paragraph 1, delete the words 'except for overriding reasons of national security or safeguarding of the population'.

"2. Insert a new paragraph 2, reading as follows:

"Exceptions to the preceding paragraph may be made for overriding reasons of national security and, in the case of a mass influx, the safeguarding of the population.'"

(i) United States of America:

"Reformulate article 3 as follows:

"1. No person referred to in article 1, paragraph 1, should be subjected to measures such as rejection at the frontier, or, if he has already entered the territory in which he seeks asylum, expulsion, or compulsory return, to the country of flight.

"2. Exception may be made to the foregoing principle only for overriding reasons of national security or, in the case of a mass influx of persons, in order to safeguard the population.

"3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it should consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate, an opportunity, whether by way of provisional asylum or otherwise, of going to another State."

54. In the course of its discussions on article 3, which members of the Working Group considered to be the most important article before it, the Group devoted its attention to the most appropriate way of formulating the principle of non-refoulement, the grounds for exceptions to it, and the possible alternatives to such exceptions. After examining whether these three matters were best dealt with in one or more sentences or paragraphs, the Group decided that the humanitarian purposes of a declaration of this nature would best be served by stating the principle itself in one paragraph, followed by another paragraph containing the grounds for exceptions and by a final paragraph referring to the possibility of according provisional asylum or other opportunity for persons who might be subject to expulsion or return to find other alternatives.

55. The various formulations of the principle of non-refoulement as such, which the Working Group had before it, were found to have much in common and the Group eventually agreed to base itself upon the statement of the principle contained in the reformulation put forward by the United States, which had been submitted towards the end of the Group's deliberations, in the light of the other formulations and of the discussions in the Group. The Working Group also discussed, in this connexion, whether the formulation of the principle should refer only to compulsory return to the State of flight, or also such return to any other State where the person concerned might be in danger of persecution or from which he might be compelled to return to the country of flight. The Working Group, in principle favoured the latter approach. In this respect, a number of alternative formulations were put forward, including "or compulsory return to any State where he may be subjected to persecution" and "which could result in compelling him to return to or remain in a State, if there is a well-founded fear of persecution, endangering his life, physical integrity, or liberty in that State". While some representatives continued to prefer the latter formulation, the Working Group decided, as a compromise, to include the former in the text. In addition to the foregoing, one representative suggested that the words "or, if he has already entered the territory in which he seeks asylum", were unnecessary and confusing in the text of paragraph 1 and might therefore be deleted when the text is finalized.

56. As regards the possible exceptions to the principle of non-refoulement, the Group devoted its attention to determining elements for inclusion in it which could command general support. The Working Group agreed that considerations of national security should be included, as proposed by the Commission on Human Rights. Initially, some differing views were expressed as to whether "safeguarding of the population", as suggested by the Commission on Human Rights, should be stated, with or without qualification, as one of the grounds for exception. Some representatives, who felt that this exception was too wide, suggested that these words should be replaced (as proposed by Costa Rica, Norway and Togo and by France), by a reference to "a mass influx of people threatening the safety of the nation". Others suggested that the reference to safeguarding the population should be retained, possibly qualified by the words "in the case of a mass influx" (as suggested in the reformulations of Norway and the United Kingdom and of the United States), or by the words "including a mass influx". In the debate on these alternatives,

certain representatives thought that the use of the words "in the case of a mass influx" would be too restrictive, as other considerations relating to the safeguarding of the population, such as public health, must be taken into account. Other representatives, however, felt that the alternative of "including a mass influx" still left the exception relating to the safeguarding of the population too wide and vague. Eventually the Group agreed to accept the following compromise phrase "or in order to safeguard the population, as in the case of a mass influx of persons". It was felt that this phrase, while not unduly restricting the exception concerned, indicated that it was to be invoked only in matters of serious import.

57. The Working Group considered whether (as suggested by Uruguay and by Nigeria) "public order" should be specified as one of the grounds, possibly in place of the reference to "safeguarding of the population", on which a person seeking or enjoying asylum might be rejected at the frontier or expelled. A number of representatives initially favoured mention of "public order". Others, however, were of the view that this would introduce an exception to the principle here concerned which was both dangerously wide and vague. It was also pointed out that the term "public order" had very different meanings in common law and civil law countries and that it was therefore desirable to omit reference to it in documents of this nature. In order to arrive at a generally agreed text it was therefore decided not to enumerate "public order" in the list of exceptions.

58. The Working Group was also not in favour of the inclusion of various elements contained in the third paragraph of the Uruguay amendment, such as activities directed to the use of force or violence against the State of origin, as grounds for rejection at the frontier or for expulsion. Those elements were considered as more appropriate for consideration in connexion with other articles of which they were in part repetitive and as departing too far from the text of the Commission on Human Rights which was serving as the basis for the work of the Group on article 3.

59. The suggestion of Sudan to add "absence of well-founded fear for flight" was maintained by Sudan for later consideration in the Sixth Committee. It was pointed out, in respect to this suggestion, that persons in such a situation were not persons entitled to invoke article 14 of the Universal Declaration of Human Rights.

60. As regards the possible alternatives, where a person seeking or enjoying asylum might otherwise be rejected or expelled by a particular State, the Working Group decided that their formulation should refer not only to the possibility of the grant of "provisional asylum" but also to "an opportunity to go to another State" (as suggested by the United Kingdom amendment and the United States amendment). This alternative was added as it was explained that the concept of "provisional asylum" is not provided for in certain legal systems. Furthermore, it was explained that it would be more appropriate to employ the phrase "to go to another State", rather than "seek asylum in another State", as there might be cases where the person concerned was legally entitled to enter another State or might be admitted on grounds other than the grant of asylum.

61. The Working Group was not in favour of including in this article a reference, such as that proposed by Uruguay, to the fact that a person enjoying asylum "was exclusively subject to the laws of the host country". It was generally considered that this would not be appropriate in the present context. It was furthermore pointed out that, *inter alia*, the personal status, nationality, etc., of a person granted asylum might have to be determined in accordance with rules of law other than those of the host country.

62. On the basis of the foregoing, the Working Group submits the following text of article 3 to the Sixth Committee for its consideration:

"Article 3

"1. No person referred to in article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution.

"2. Exception may be made to the foregoing principle only for overriding reasons of national security or in order to safeguard the population, as in the case of a mass influx of persons.

"3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it shall consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate an opportunity whether by way of provisional asylum or otherwise, or going to another State."

5. Article 4

63. Article 4 of the draft Declaration adopted by the Commission on Human Rights reads as follows:

"Persons enjoying asylum should not engage in activities contrary to the purposes and principles of the United Nations." (A/6367, annex II).

64. Amendments to this article were submitted to the Sixth Committee by Brazil (A/C.6/L.587), by Costa Rica, Norway and Togo (A/C.6/L.588 and Add.1), by Poland (A/C.6/L.589), by the Union of Soviet Socialist Republics (A/C.6/L.590) and by Uruguay (A/C.6/L.604). In the course of the consideration of this article by the Working Group, a formal sub-amendment to the amendment of Brazil was proposed by Colombia.

65. The foregoing amendments and sub-amendment were to the following effect:

(a) Brazil:

"Replace the present text of article 4 by the following: 'On the request of the interested State, the State granting asylum should, by means established in its legislation and in accordance with agreements in force, prevent the person enjoying asylum from engaging in activities involving the use of force or violence against the State of origin, as well as from engaging in activities in violation of the purposes and principles of the United Nations'."

(b) Colombia:

"Sub-amendment to the amendment proposed by Brazil: Replace the word 'established' by the word 'provided', and delete the final phrase 'as well as from engaging in activities in violation of the purposes and principles of the United Nations', replacing the preceding comma by a period."

(c) Costa Rica, Norway and Togo:

"Replace the word 'should' by 'shall'."

(d) Poland:

"Insert the word 'territorial' before the word 'asylum'."

(e) Union of Soviet Socialist Republics:

"Insert the following new paragraph at the end of article 4: 'States granting asylum should not permit or encourage persons who have received asylum to be used for purposes of espionage, subversion or sabotage against other States'."

(f) Uruguay:

"Delete article 4."

66. It was unnecessary for the Working Group to consider the amendments of Costa Rica, Norway, and Togo and of Poland to article 4, in view of its decisions in principle regarding references to "territorial asylum" (see para. 12 above) and to the use of "should" and "shall" (see para. 13 above).

67. The Working Group considered the amendment of Uruguay to delete article 4. Some members were of the view that it was useful to retain the article, particularly as the principle it contained appeared in article 14 of the Universal Declaration of Human Rights. Furthermore, States had not always lived up to that principle in the past, and had permitted persons enjoying asylum to engage in activities which could involve the international responsibility of the host State.

68. Other representatives considered that the article should be deleted, as they found it difficult to understand how the purposes and principles of the United Nations, which were addressed to States, could be in any way binding on individuals.

69. If the article were to have any meaning, in the opinion of some representatives, it should refer to the question of

seeking to prevent individuals enjoying asylum from engaging in the use of force or violence against the State of origin. In this respect, there was support from a number of representatives for the amendments of Brazil and the Union of Soviet Socialist Republics.

70. Other representatives, however, considered that these latter amendments went too far in the obligations which they might be considered to lay on States to legislate against certain activities, and in the restrictions which they might be deemed to impose upon the liberty of individuals. These representatives felt that, if the text of the article were retained, it should be along the lines of that prepared by the Commission on Human Rights.

71. It was suggested that some of the difficulties which members of the Working Group had expressed about article 4 might arise from the fact that, unlike the other articles which were addressed to States, this article was addressed to individuals in its present form. One representative therefore orally proposed a reformulation to the effect that States should not permit persons who had received asylum to engage in activities contrary to the purposes and principles of the United Nations. This reformulation was accepted by the Working Group as a compromise suggestion, some representatives reserving the position of their delegations pending further study.

72. On the basis of the foregoing, and subject to the reservation just mentioned, the Working Group submits article 4 to the Sixth Committee in the following form:

"Article 4

"States granting asylum shall not permit persons who have received asylum to engage in activities contrary to the purposes and principles of the United Nations."

6. Article 5

73. Article 5 of the draft Declaration adopted by the Commission on Human Rights reads as follows:

"Nothing in this Declaration shall be interpreted to prejudice the right of everyone to return to his country as stated in article 13, paragraph 2, of the Universal Declaration of Human Rights" (A/6367, annex II).

74. Uruguay proposed to the Sixth Committee (A/C.6/L.604), in the light of its amendment to delete article 4, that this article should be renumbered as article 4.

75. The Working Group, however, as already seen, was generally in favour of retaining article 4. Discussions in the Working Group on article 5 centred on the question of whether or not it was necessary to retain the article. It was felt by many representatives that the article was unnecessary, as it dealt with a matter too obvious to require repeating, and as it was not directly relevant in the context of asylum. The right of any person to return to his own country covered a

field much wider than that of asylum. Furthermore, as article 13 of the Universal Declaration of Human Rights was already quoted verbatim in the preamble it was repetitive to recall it once more in the operative articles.

76. On the other hand, some representatives felt that there might be some benefit in retaining article 5, as its reaffirmation might make States more prepared to grant asylum initially and it might be for the benefit of refugees who hoped one day to return to their own countries. It was also argued that, if article 5 were deleted, reference to article 13 of the Universal Declaration should be removed from the preamble in its present form, or reformulated. Otherwise the failure to reaffirm it in the operative articles might be interpreted to mean that the Declaration in some way derogated from the right of return.

77. In the outcome, the Group agreed to delete article 5, subject to reservations by some members pending the review of the preamble. In the course of the review of the preamble no new proposals were made with respect to article 5, or to the reference in the preamble to article 13 of the Universal Declaration of Human Rights.

78. On the basis of the foregoing, the Working Group recommends that article 5 be omitted from the text of the draft Declaration.

7. Proposed new article

79. Poland (A/C.6/L.589) and Uruguay (A/C.6/L.604) proposed to the Sixth Committee the addition of a new article. These proposals were as follows:

(a) Poland:

"Add a new article 6 reading as follows: 'Nothing in this Declaration shall affect the provisions of international conventions relating to asylum'."

(b) Uruguay:

"Add a new article 5 reading as follows: 'Nothing in this Declaration shall affect international agreements relating to either territorial or diplomatic asylum'."

80. The Working Group, when considering the above proposals, noted that the recommendatory paragraph of the text adopted by the Third Committee already stated that the Declaration was without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons. The members of the Group considered that it was obvious that a declaration of this nature would not affect existing legal obligations. A statement to this effect in the preamble was considered to be sufficient. It was also pointed out that the statement in the preamble was more widely drawn than the proposed new article, as it referred not only to asylum but also to refugees and to stateless persons. The Working Group was therefore of the opinion that it was unnecessary to add an article on this subject and decided so to recommend to the Sixth Committee.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1496th plenary meeting, on 16 December 1966, the General Assembly adopted unanimously the draft resolution submitted by the Sixth Committee (A/6570, para. 47). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16, resolution 2203 (XXI)*.

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 or description</i>	<i>Observations and references</i>
A/C.6/374	Resolution adopted by the Sixth Committee at its 923rd meeting	Mimeographed. For the text of this document, see A/6570, annex, para. 2
A/C.6/L.587	Brazil: amendment to article 4 of the draft Declaration	See A/6570, annex, para. 65 (a)

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/C.6/L.588 and Corr.1 and Add.1	Costa Rica, Norway and Togo: amendments to articles 2, 3 and 4 of the draft Declaration	<i>Ibid.</i> , paras. 31 (a), 40 (a), 51 (a), 53 (a) and 65 (c)
A/C.6/L.589	Poland: amendments to the title and articles 2, 3 and 4 of the draft Declaration and proposal for the addition of a new article 6	<i>Ibid.</i> , paras. 12, 40 (b), 51 (c) 65 (d) and 79 (a)
A/C.6/L.590	Union of Soviet Socialist Republics: amendment to article 4 of the draft Declaration	<i>Ibid.</i> , para. 65 (e)
A/C.6/L.591	Greece: amendment to article 4 of the draft Declaration	See A/6570, para. 8 (c)
A/C.6/L.593 and Add.1-3	Algeria, Congo (Brazzaville), Guinea, Iraq, Mali, Mauritania, Morocco, Syria, United Arab Republic and United Republic of Tanzania: amendments to document A/C.6/L.588 and Corr.1 and Add.1	See A/6570, annex, paras. 31 (b) and 51 (b)
A/C.6/L.604	Uruguay: amendments to the title, the preamble and articles 1, 2, 3, 4 and 5 of the draft Declaration	<i>Ibid.</i> , paras. 9, 12, 20 (a), 31 (c), 53 (b), 65 (f), 74 and 79 (b)
A/C.6/L.605	Brazil: amendment to article 2 of the draft Declaration	<i>Ibid.</i> , para. 40 (d)
A/C.6/L.606	Italy: comment on article 1 of the draft Declaration	<i>Ibid.</i> , para. 33
A/C.6/L.614 and Corr.1-3	Report of the Working Group on the draft Declaration on the Right of Asylum	See A/6570, annex
A/C.6/L.616 and Add.1 and 2	Iraq, Mali and United Republic of Tanzania: draft resolution	Adopted with change. See A/6570, para. 47



Agenda item 86:* Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Sixth Committee*, 943rd to 945th and 954th meetings; *ibid.*, *Second Committee*, 1093rd meeting; *ibid.*, *Fifth Committee*, 1167th meeting, and *ibid.*, *Plenary Meetings*, 1496th meeting.

** This question was also discussed by the General Assembly at the following sessions: seventeenth session (agenda item 75), eighteenth session (agenda item 72), twentieth session (agenda item 89).

DOCUMENT A/6492 AND ADD.1

Report of the Secretary-General

DOCUMENT A/6492

[Original text: English]
[1 November 1966]

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I. Introduction**1. ESTABLISHMENT OF THE PROGRAMME OF ASSISTANCE AND EXCHANGE IN THE FIELD OF INTERNATIONAL LAW**

1. During its twentieth session the General Assembly considered the topic "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The item was referred to the Sixth Committee, which had before it the report of the Special Committee, established under resolution 1968 A (XVIII) for the purpose of drawing up a practical plan and proposals for United Nations action in this sphere.¹ Following the discussions of the recommendations of the Special Committee, the Sixth Committee adopted a draft resolution establishing a programme of assistance and exchange in the field of international law.

2. At its 1404th plenary meeting, held on 20 December 1965, the General Assembly, on the recommendation of the Sixth Committee,² adopted the draft resolution which thereby became resolution 2099 (XX). The resolution was adopted by 75 votes to 2, with 11 abstentions.

2. ADVISORY COMMITTEE ON TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

3. At its 1404th plenary meeting, the General Assembly, acting on the recommendation of the Sixth Committee, appointed the following States as members of the Advisory Committee established under paragraph 8 of resolution 2099 (XX): Afghanistan, Belgium, Ecuador, France, Ghana, Hungary, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. The meetings

¹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 89, document A/5887.

² *Ibid.*, document A/6136, para. 29.

of the Advisory Committee are described in chapter IV below, which also contains the text of the Committee's recommendations to the Secretary-General. The Secretary-General has accepted in full the recommendations of the Committee.

3. PARTICIPATION AND ACTIVITIES OF UNESCO AND UNITAR**(a) United Nations Educational, Scientific and Cultural Organization (UNESCO)**

4. In paragraph 6 of resolution 2099 (XX) the General Assembly invited UNESCO to participate in the implementation of the programme and requested the Secretary-General

"to reach agreement with the Director-General of that organization, subject to any necessary approval by the competent authorities of the two organizations, as to which parts of the programme are to be financed and administered by each organization."

Following the adoption of the resolution the Director-General affirmed the intention of UNESCO to cooperate with the United Nations in the fulfilment of the programme, subject to the approval of the UNESCO General Conference. Negotiations are presently under way with UNESCO as to which portions of the programme should be conducted by UNESCO. The activities of UNESCO, which are described in paragraphs 21 to 26 and paragraph 30 below, deal mostly with educational needs in the field of international law.

5. It may be noted that the UNESCO draft programme and budget for 1967-1968,³ which will be considered by the UNESCO General Conference at its fourteenth session between 25 October and 30 November 1966, contains the following proposed resolution, entitled "Teaching of international law":

"Resolution 3.232: The Director-General is authorized, in co-operation with Member States and in collaboration with the appropriate national and in-

³ UNESCO document 14 C/5, para. 786.

ternational organizations, both governmental and non-governmental, to undertake, in conjunction with the United Nations, studies and surveys designed to promote a wider appreciation of international public law and the extension of teaching on this subject, and to take part in the relevant activities of Member States, at their request.”

6. In noting this resolution with satisfaction, the Executive Board of UNESCO, at its 73rd session held between 8 and 16 September 1966, recommended, *inter alia*, that particular attention should be given to the possibility of establishing inter-institutional arrangements, which would enable the United Nations, UNESCO, and the other organizations involved, to conduct an effective international law programme. The Secretary-General and the Executive Director of UNITAR agree that their representatives would be prepared to serve on a consultative group with the representatives of UNESCO.

(b) *United Nations Institute for Training and Research (UNITAR)*

7. In paragraph 7 of resolution 2099 (XX) the General Assembly requested the Board of Trustees of UNITAR “to consider the ways in which international law is to be given its proper place among the activities of the Institute”. After convening a panel of eminent international lawyers, the Executive Director of UNITAR included a number of items in the field of international law in the proposals regarding the future programme of UNITAR which he made to the UNITAR Board of Trustees at its fourth session, held between 14 and 16 September 1966. The Board of Trustees gave its general approval to the programme, including the items relating to international law, which are described more fully in paragraphs 31 to 40 below.

4. GENERAL CONSIDERATIONS

8. In accordance with paragraph 11 of resolution 2099 (XX), the present report describes the steps which have been taken to implement the resolution. The report therefore covers the preparatory work which the Secretary-General has initiated in 1966 with respect to the programme and the action taken or proposed by UNESCO and by UNITAR in furtherance of the objectives of the programme. Following the division drawn in paragraph 2 of the resolution, the description of the various items of the programme, which appears in chapter II below, is divided into two parts. The first (section A) relates to those items constituting “Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions”, such as those recommended in chapter I, section A, of the report of the Special Committee.⁴ The second part (section B) deals with the forms of direct assistance and exchange which may be provided, in particular the items specified in the annex to resolution 2099 (XX) for performance in 1967 and 1968. A separate account is given of the methods of financing the programme.

9. The remainder of the present report is accordingly arranged as follows:

II. Programme of assistance and exchange in the field of international law

- A. Steps to encourage and co-ordinate existing international law programmes carried out by States, organizations and institutions
- B. Forms of direct assistance and exchange
- III. Methods of financing the programme
- IV. Meetings and recommendations of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law
- V. Summary of financial implications

II. Programme of assistance and exchange in the field of international law

A. Steps to encourage and co-ordinate existing international law programmes carried out by States, organizations and institutions.

10. In paragraph 2 of resolution 2099 (XX), the General Assembly decided that the first part of the programme of assistance and exchange in the field of international law should consist of

“(a) Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions, such as those proposed by the Special Committee in part I, section A, of its report to the General Assembly;”.

In accordance with this provision the Secretary-General, acting in conjunction with the Director-General of UNESCO, has examined the proposals of the Special Committee with a view to determining the most suitable method for their execution. With some adaptation, for administrative or similar reasons, it has proved possible to begin the implementation of nearly all the suggestions made by the Special Committee. Items on which no action has been feasible at the present time include the co-sponsorship of meetings by the United Nations or UNESCO with other organizations or institutions. The following description of the steps taken “to encourage and co-ordinate existing international law programmes” has been divided according to whether responsibility was entrusted to the United Nations or to UNESCO, under the agreement reached in principle between the executive heads of the two Organizations.

1. ITEMS FOR WHICH THE UNITED NATIONS IS RESPONSIBLE

(a) *Preparation of a register of experts and scholars in international law*

11. Further to a suggestion made by the Special Committee,⁵ the Secretary-General has taken steps to establish a register of experts and scholars in international law. The register will contain the names and other pertinent details of persons who have specialized knowledge and experience in the teaching and practice of international law and who might be suitable to assist in the establishment or improvement of national programmes for the teaching of international law, or to advise Governments on problems of international law, including the drafting and preparation of treaties and legislation touching on international legal issues. The Secretary-General accordingly wrote to States Members of the United Nations and UNESCO, asking them to furnish a list of their nationals who are qualified by their experience and distinction in the field of international law to be placed on the register and who have expressed a definite intention of making themselves

⁴ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 89, document A/5887.

⁵ *Ibid.*, para. 21.

available for service in developing countries, for whose use the register is primarily designed. The register, which will be completed during 1967, will be sent to all States Members of the United Nations and of UNESCO. Any State interested in the services of a person listed in the register may then contact him directly, or through his Government, in order to negotiate the terms of his engagement. The sole function of the United Nations will thus be to compile the register, on the basis of information supplied, for the use of States.

(b) *Co-operation with other organizations*

12. In accordance with a recommendation of the Special Committee,⁶ the Secretary-General wrote to twenty-two international organizations informing them of the establishment of the programme and of the items before the Sixth Committee, the International Law Commission and the Legal Sub-committee of the Committee on the Peaceful Uses of Outer Space. The organizations, which were invited to submit any comments they might have with regard to these topics or information regarding their own related activities, were as follows: Asian-African Legal Consultative Committee, Council of Europe, Hague Academy of International Law, Hague Conference on International Private Law, Inter-American Institute for International Legal Studies, Institute of International Law, International Academy of Comparative Law, International Association for the Teaching of Comparative Law, International Association of Democratic Lawyers, International Association of Lawyers, International Association of Legal Science, International Bar Association, International Commission of Jurists, International Law Association, International Maritime Committee, International Political Science Association, League of Arab States, International Institute for the Unification of Private Law, World Peace through Law Centre, Inter-American Juridical Committee, Organization of African Unity and World Federation of United Nations Associations.

13. Six of these organizations replied giving information regarding their activities. The Asian-African Legal Consultative Committee stated that, as an indication of its desire to assist in the realization of the objectives of the programme, it had decided to grant scholarships to enable two persons, coming from States participating in the Committee, to receive training in international law research in the Committee's secretariat. The Council of Europe provided extensive information regarding studies and other projects conducted under its auspices on legal matters being considered by United Nations bodies. Some of the material provided was transmitted to the Special Rapporteurs of the International Law Commission. The Council of Europe also drew attention to the work done by an expert committee regarding the publication of repertoires of the practice in international law of various European States; it was suggested that a model outline which had been drawn up by this committee might serve as a basis for the preparation of future national repertoires, and also be of assistance to the Ministries of Foreign Affairs of newly independent States in adopting a system of classification of diplomatic documents. The Hague Academy of International Law referred to the fact that topics on the agenda of all three United Nations bodies had been the subject of course; at The Hague and

expressed its desire to co-operate with the United Nations, in particular with respect to the teaching of international law. The Institute of International Law listed the topics in the field of public international law currently on its work programme and referred in especial to its co-operation with the International Law Commission, which had supplied documentation to certain of its members. The Inter-American Institute for International Legal Studies forwarded copies of two of its publications and of the outline of a basic course in international law which had been prepared under its auspices, for use in Latin America. The World Peace through Law Centre informed its members of the list of items before United Nations bodies by including them in its bulletin for July 1966. The Centre also drew attention to its various programmes designed to strengthen the role of law in international relations.

14. Having regard to the relatively low level of response and the difficulty of preparing a document giving an adequate amount of information which is of interest to all the organizations concerned, the Secretary-General proposes in future years to restrict the list of recipient organizations to those whose main centre of activity is in the field of international law. Where, in appropriate cases, it appears that an item is of special interest to a particular organization, a special communication may be sent.

(c) *Publicity*

15. Publicity is to be given within the context of the programme to two distinct aspects of international law. First, as proposed by the Special Committee,⁷ publicity is to be given to international law and to the legal work of the United Nations as a whole. Secondly, under paragraph 4 of resolution 2099 (XX), the Secretary-General is requested to publicize the programme itself.

(i) *Dissemination of information on international law through United Nations information media*

Publications

16. It is hoped to publish a pamphlet describing the work of the International Law Commission before the end of 1966 or during early 1967. The pamphlet will be approximately the same in length as that already prepared dealing with the International Court of Justice. In addition it is hoped to produce a pamphlet during 1967 on the general topic of the United Nations and international law. Lastly, it is proposed that, at the conclusion of each session of the General Assembly, a document should be prepared containing the text of the resolutions adopted relating to the legal work of the United Nations. This document will be distributed, through United Nations information centres, to institutions throughout the world teaching international law or having research programmes in the field, thus avoiding the delay which now occurs between the adoption of a resolution and its dissemination at classroom level.

17. In addition to the above, an attempt will be made to increase and improve the present coverage of legal items in various other publications intended for the general public. The *UN Monthly Chronicle* will insert signed articles on items of major legal significance, and press releases on legal questions will include more background information.

⁶ *Ibid.*, para. 30.

⁷ *Ibid.*, paras. 44-48.

Radio and visual media

18. The number of United Nations radio programmes devoted to international law topics will be maintained and if possible increased. It may be noted that considerable attention has been given to international law in previous years. The work of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, for example, formed the subject of seven fifteen-minute radio programmes in the United Nations series "Perspectives". As regards film and television programmes, there is some difficulty in expanding the present coverage of legal matters, which mostly forms part of general news items, by reason of the fact that the United Nations is largely dependent on national and commercial networks for the production and distribution of these programmes; in the experience of the United Nations, national and commercial networks are reluctant to accept programmes which are unlikely to appeal to a wide audience. The United Nations intends, however, to explore the possibilities of producing visual programmes relating to international law which would be suitable for general showing.

Promotion of interest in the legal work of the United Nations by the United Nations Office of Public Information

19. In addition to the above, the Office of Public Information will continue to endeavour to promote interest in the legal work of the United Nations through direct contact with individuals and organizations. The United Nations information centres have encouraged seminars, lectures and discussions for this purpose; during 1966, for example, an intensive study course on the United Nations, attended by some 300 participants, was organized by the University of Juiz de Fora with the aid of the United Nations Information Centre in Rio de Janeiro. International law is included in the list of topics discussed in the triangular fellowship programme and the student interne programme, organized each year by the Office of Public Information. Legal affairs are also covered in the work at United Nations Headquarters with non-governmental organizations and in the material prepared for United Nations Day, which is distributed on a world-wide basis. All of these activities will be continued and possibly strengthened in the future; in particular, United Nations information centres will be asked to make formal approaches to appropriate organizations and individuals in order to stimulate their interest in United Nations legal activities.

(ii) *Publicity given to the programme itself*

20. Paragraph 4 of resolution 2099 (XX) requests the Secretary-General to publicize the programme established under the resolution. Three actions have been taken.

(a) The attention of Member States has been drawn to the programme in several *notes verbales*, in particular that sent in January 1966 requesting voluntary contributions, on which occasion a press release was also issued. Press releases have also been issued regarding the work of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law.

(b) An article describing the programme was published in the April 1966 issue of the *UN Monthly Chronicle*.

(c) An article giving an outline description of the programme was sent to over fifty legal periodicals throughout the world, in all five official languages, for the information of lawyers and other members of the interested public.

2. **ITEMS FOR WHICH UNESCO IS RESPONSIBLE**

21. In accordance with paragraph 6 of resolution 2099 (XX) negotiations are presently under way with UNESCO as to which parts of the programme are to be conducted by UNESCO. In addition to certain forms of direct assistance, which are referred to in paragraph 30 below, it was suggested that UNESCO should pursue a number of the suggestions of the Special Committee or which UNESCO had itself put forward when the programme was being formulated, related to teaching-cum-training-and-research needs in the field of international law.

(a) *Survey of the teaching of international law*

22. A survey of the teaching of international law will be published by UNESCO during 1967, in English and French, in the series "The University Teaching of Social Sciences". The study will be distributed to States Members of the United Nations and UNESCO.

(b) *Promotion of fellowships and other forms of teaching assistance offered by States and organizations*

23. UNESCO intends to strengthen its existing procedures whereby States and organizations are invited to offer fellowships and related forms of assistance through UNESCO. During the financial period 1967-1968 UNESCO will contact its African member States and request them to inform it of their precise teaching needs in the field of international law. Having ascertained these needs, UNESCO will approach present or potential donor States and invite them to offer suitable fellowships, to provide teachers who could conduct courses in international law until African counterparts have been trained, and to endow university chairs. The procedure for preparing the UNESCO publication "Teachers for Africa", which already lists vacant posts, including those in international law, will be drawn on for this purpose. If the scheme is successful, it may be extended to other geographical regions.

(c) *Exchange of publications and strengthening of library facilities*

24. UNESCO intends to call the attention of States members and of interested organizations and institutions to two conventions adopted by the UNESCO General Conference on 3 December 1958, during its tenth session, relating respectively to the exchange of official publications and government documents between States and to the international exchange of publications. These conventions provide facilities for the exchange of books and publications which could be utilized for the purposes of the programme. In addition UNESCO is prepared to publish in the *UNESCO Bulletin for Libraries* information concerning offers of, and demands for, the exchange of publications in the field of international law. Similar information will also be included in the *Handbook on the International Exchange of Publications* when a new edition is prepared.

25. It may be noted in this connexion that the Government of Greece has informed the Secretary-General that it is prepared to make available to selected insti-

tutions in developing countries a number of publications (in English and French) of the Hellenic Institute of International and Foreign Law, as its contribution towards furthering the objectives of the programme. The Government of Greece will communicate directly with the libraries concerned.

(d) *Preparation of a study programme in the field of international law*

26. UNESCO is considering the implementation of a study programme which would list the different topics in international law and indicate the various methods by which they might be taught. Such an activity would be designed as being useful to institutions in developing countries which are beginning studies in this field. UNESCO considers that the range of varying needs of developing countries does not permit the realization of a more formal "model curriculum", as suggested by the Special Committee, applicable to all countries and in all circumstances. UNESCO believes that it would be preferable for it to concentrate its efforts on the preparation of a programme which is more adapted to the needs of the different parts of the world. In addition UNESCO plans to hold a seminar in Africa in 1968 under the technical assistance regional programme, designed to give extra training to teachers, specialists and advanced students.

B. Forms of direct assistance and exchange

27. Under paragraph 2 (l) of resolution 2099 (XX) the second portion of the programme is to consist of "forms of direct assistance and exchange, such as seminars, training and refresher courses, fellowships, advisory services of experts, the provision of legal publications and libraries and translations of major legal works". This general description is supplemented by the annex to the resolution, which lists a number of items of direct assistance and exchange for performance beginning in 1967 and 1968. Before describing these items, an account is given of various activities which may also be considered under this section of the programme, namely the Geneva Seminar on International Law, the proposals made by UNESCO for providing certain forms of direct assistance to developing States, and the plans announced by UNITAR for the conduct of a range of projects in the field of international law.

28. In view of the financial position, which is examined more closely in part III below, it has not been possible to take any steps towards implementing some of the suggestions which were originally put forward. No action has been practical, for example, as regards the provision of libraries and the translation of major legal works, nor has it been feasible to consider making subventions to existing institutions or for the purpose of establishing new ones.

1. GENEVA SEMINAR ON INTERNATIONAL LAW

29. During 1966 a three-week Seminar was organized at the United Nations Office at Geneva in connexion with the summer session of the International Law Commission. The 1966 Seminar, which was endorsed by the General Assembly in resolution 2045 (XX), was attended by twenty-two participants from twenty-one countries. Those attending, mostly advanced students and young government officials, were selected

so as to ensure representation on as wide a geographical basis as possible. Lectures were given by members of the International Law Commission and of the Secretariat, and by a professor from Geneva University. The Seminar was held without cost to the United Nations, which undertook no responsibility for the travel or living expenses of the participants. The Governments of Israel and Sweden offered scholarships for participants from developing countries. Four candidates were chosen as beneficiaries; owing to unforeseen circumstances, two of the beneficiaries had to renounce the scholarships just before the opening of the Seminar and only part of the funds offered could be used. In addition, the Government of France and the British Institute of International and Comparative Law each paid for a participant from a developing country. It is planned to hold a similar seminar in 1967.

2. ITEMS OF DIRECT ASSISTANCE TO BE PROVIDED BY UNESCO

30. The UNESCO draft Programme and Budget for 1967-1968⁸ provides that, subject to the consent of the UNESCO General Conference, UNESCO will organize meetings and take other steps in order to study the extension of university teaching of international law and to examine selected problems acknowledged to be of theoretical and practical importance to developing countries. In addition, it is proposed that a seminar should be held in Africa in 1968 designed to give extra training to teachers, specialists and advanced students. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law recommended that the Secretary-General should discuss with UNESCO the proposal that this project should be conducted jointly with the United Nations regional training and refresher course, due to be held in Africa in 1967 (see paras. 43-45 below).

3. ACTIVITIES OF UNITAR IN THE FIELD OF INTERNATIONAL LAW

31. In the light of resolution 2099 (XX) and the various suggestions which were made in the course of the Sixth Committee's debates during the twentieth session, UNITAR has given careful consideration to the question of the ways in which international law might be included in its programme. Following earlier discussions between the representatives of the Secretary-General and the Executive-Director of UNITAR, and his representatives, the Executive-Director of UNITAR convened a panel of experts in international law⁹ to advise the Institute on its activities in this field. Taking into account the views expressed by the members of the panel and others, the Executive-Director included a number of items relating to international law in the programme of UNITAR which he submitted to the Institute's Board of Trustees. At its fourth

⁸ UNESCO document 14 C/5, paras. 790-792.

⁹ The panel was composed of the following members of the International Law Commission: Mr. Roberto Ago (Italy), Mr. Herbert W. Briggs (United States of America), Mr. Abdullah El-Erian (United Arab Republic), Mr. José María Ruda (Argentina), Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics) and Mr. Mustafa Kamil Yasseen (Iraq). Mr. Manfred Lachs (Poland), who was also invited, was unable to participate. The Legal Counsel of the United Nations, the Deputy-Director of the Social Sciences Department of UNESCO and the Director of Research of UNITAR also participated.

session, held between 14 and 16 September 1966, the Board of Trustees gave general approval to the programme. The representative of UNITAR made a statement on 19 September 1966, to the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, in which he described the different activities which UNITAR plans to undertake in the sphere of international law. The items concerned, together with a summary of the discussions in the Advisory Committee, are described below under four headings: (a) studies; (b) seminars; (c) training course; and (d) fellowships.

(a) *Studies*

32. In the light of the advice received from the panel of experts and the comments made during the meetings of its Board of Trustees, UNITAR has given favourable consideration to the question of undertaking studies of the role of the United Nations in the codification and progressive development of international law. It may be recalled that in the annex to resolution 2099 (XX), sub-paragraph (e) envisages the preparation and publication of a "survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations". Having regard to the views expressed by the panel of experts UNITAR concluded that any survey or series of studies which it undertook should analyse the results achieved by the United Nations in the codification and progressive development of international law and examine the difficulties encountered. A survey of this kind would go beyond an historical account of the codification conventions and would require considerable original empirical research and call for a higher degree of expertise. UNITAR considers it important that these studies be carried out with the participation of legal scholars from the main legal systems and various regions of the world.

33. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law agreed that the Secretary-General should recommend to the General Assembly that it welcome UNITAR's plans to conduct the studies in question. The representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania expressed the reservations of their Governments, however, and stated that, in their view, it would be desirable to endeavour to bring UNITAR's plans as closely as possible into line with the programme established under resolution 2099 (XX). The text of the recommendation adopted and of the reservations expressed is reproduced in paragraph 74 below.

34. The Secretary-General has accepted the recommendation of the Advisory Committee. As regards the reservation made by the representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania, the Secretary-General has held discussions with the representatives of UNITAR in order to see how the wish expressed by these States can best be met. On the basis of those further discussions the Secretary-General has concluded that the studies envisaged by UNITAR do in fact fall within the scope of the survey originally proposed, the main change being that UNITAR intends to conduct its studies on a broader basis, so as to emphasize the practical obstacles to codification which have been

encountered. In the opinion of the Secretary-General studies of this type would be more useful than a purely historical survey. There are two further considerations which led the Secretary-General to support the recommendation that the General Assembly welcome UNITAR's plans to carry out studies in this sphere. The first is that the strong links between the United Nations and UNITAR and the fact that the United Nations is the depository of much of the knowledge regarding the adoption of codification conventions, will inevitably mean in practice that the studies produced by UNITAR will be derived, at least in part, from collaboration between the two Organizations. The second consideration is financial. If the United Nations were to conduct the studies, or the survey originally envisaged, the total cost would be considerable. In accordance with the recommendation of the Advisory Committee, the costs to the United Nations would be confined to those required to supplement the resources of UNITAR so as to enable it to carry out the studies.

35. In addition to studies relating to the codification and progressive development of international law, UNITAR will undertake other studies which are, in a broad sense, within the area of international law. These include, for example, studies on fact-finding and conciliation procedures; on the legal aspects of international river basin development; on the international transfer of technology through enterprise-to-enterprise arrangements; and on the problems of small States emerging from colonial rule, especially with respect to their participation in international organizations and other multilateral arrangements. Expressed in budgetary terms, it is estimated that about \$100,000 will be spent by UNITAR in 1967 on studies related to international legal problems, including those relating to the codification and progressive development of international law.

(b) *Seminars*

36. UNITAR plans to hold seminars dealing specifically with international law as well as subjects in which international legal considerations are important. In the latter category, it expects to hold one seminar in 1967 dealing with the resources of the sea. It also plans to hold a regional seminar every other year as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX).

37. The members of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Knowledge of International Law stated that they were pleased to learn of UNITAR's proposals for the conduct of seminars in international law. The Advisory Committee agreed that the Secretary-General should recommend to the General Assembly that it welcome UNITAR's proposals to conduct regional seminars beginning in 1968, as envisaged in the annex to resolution 2099 (XX); the text of the Committee's recommendation is reproduced in paragraph 74 below.

(c) *Training*

38. The programme for junior foreign service officers from newly-independent countries, which is conducted under the auspices of UNITAR, includes lectures on international law given by leading experts in the field and it imparts a basic grounding in the subject. This programme will be continued in 1967 on approximately the same lines. Since it is recognized that more advanced and specialized training will be useful to middle

grade officers of proven ability, after 1967 UNITAR plans to provide such training. The programme would include a training seminar on international law, with emphasis on multilateral organization and co-operation. If resources are adequate, it is hoped to conduct these courses at the international as well as the regional levels. UNITAR also will seek to strengthen the future training of national officials engaged in international work in local and regional institutes. It is expected that a beginning could be made in 1967 and that it will be increased in later years. More generally, UNITAR plans to stimulate new training methods and techniques in regard to problems of international concern. An effort will be made—through studies and experimental seminars—to introduce training focused on decision-making and problem-solving in various fields of special interest to the United Nations.

(d) *Fellowships*

39. The representative of UNITAR informed the Advisory Committee that UNITAR is in a position to administer fellowships for training and research in international law. It will, during 1967, have nine Adlai Stevenson Fellows pursuant to a grant of \$100,000 made by the United States Government for this purpose. It is anticipated that some of these Fellows will be especially engaged in projects on international law or having legal aspects. UNITAR would also be in a position—and indeed would welcome—additional fellowships under which scholars, between the ages of twenty-five and thirty-five, could carry out studies and assist in seminars and training in the field of international law.

40. The Advisory Committee took note of UNITAR's activities in relation to the administration of fellowships in the field of international law. It was suggested during the Committee's discussions that UNITAR might find it possible to co-operate with the United Nations with regard to the award of fellowships as envisaged in sub-paragraphs (b) of the annex to General Assembly resolution 2099 (XX), if not immediately as regards financing, then at least as regards their administration, and perhaps their financing also at a later stage.

4. ITEMS OF DIRECT ASSISTANCE AND EXCHANGE LISTED IN THE ANNEX TO GENERAL ASSEMBLY RESOLUTION 2099 (XX)

41. The annex to resolution 2099 (XX) lists a number of items of direct assistance and exchange for performance beginning in 1967 and 1968. As explained in chapter III below, no final determination has yet been made as to the method of financing these items. The action taken by the Secretary-General in relation to these items during 1966 has been largely confined to an endeavour to secure funds, in accordance with paragraphs 4 and 5 of the resolution. The Advisory Committee made a number of recommendations, however, some of which have already been referred to, regarding the implementation of these items. The preliminary steps taken or proposed with regard to these items are described below.

(a) *Regional training and refresher courses and regional seminars*

Regional training and refresher courses

42. These courses are intended to provide teachers of law, advanced students and junior government offi-

cialists with an opportunity to strengthen their knowledge of international law. As provided in sub-paragraph (a) of the programme for 1967 contained in the annex to resolution 2099 (XX), the courses, of four weeks duration, are to be organized every two years, in rotation, in Africa, Asia and Latin America. The first course is due to be held in Africa in 1967. The Government of the United Republic of Tanzania has informed the Secretary-General of its willingness to provide facilities for this course and accommodation for participants and staff, without charge. In view of the uncertainty as to the financial position, the Secretary-General has not been able to give a firm acceptance of this offer or to proceed further, e.g., by inviting African Member States to nominate participants and by entering into contractual arrangements with lecturers.

43. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law gave very considerable attention to the question of the organizing and financing of 1967 regional training and refresher course. Having regard to the extent of the financial burden otherwise likely to be imposed on the United Nations and to UNESCO's intention, referred to in paragraph 30 above, to conduct a seminar in Africa for teachers, specialists and advanced students in 1968, the Advisory Committee recommended to the Secretary-General that he should discuss with UNESCO the possibilities of merging its seminar with that due to be held by the United Nations (see para. 74 below). Although it was recognized that the objects of the UNESCO seminar were directed towards provision of extra training for teachers and future teachers of international law, while the United Nations course was intended primarily to assist government officials and advanced students, the Advisory Committee felt that a successful course and seminar could be held jointly, at considerable saving as regards over-all financial cost. The Secretary-General entered into correspondence with the secretariat of UNESCO on the matter. The UNESCO secretariat stated that its project for 1968 had been envisaged for approximately twenty people only, and that it was intended to be held in one language, either English or French only; the UNESCO secretariat nevertheless expressed agreement in principle to the conduct of a joint course and seminar with the United Nations, on a basis of equal financial participation, subject to a review of the proposal and final decision by the UNESCO General Conference, during November 1966. The UNESCO secretariat considered that it would be unrealistic to hold a bilingual or interpreted Seminar.

44. In subsequent correspondence the Secretary-General dealt at length with the various points of detail requiring examination if a joint course and seminar were to be held; he emphasized, in particular, the need that the project should be unified, so as to enable both English- and French-speaking participants to take part, this issue having been strongly made in the discussions of the Advisory Committee. On 11 October 1966, the secretariat of UNESCO stated that, owing to the many technical considerations involved requiring study by UNESCO, no detailed reply could be sent until approximately the middle of November. Furthermore, any reply sent at that time would be subject to the final decision of the UNESCO General Conference, which would be taken during that month. Having been informed of these facts, on 12 October, the Advisory Committee endorsed its previous recommendation and

requested the Secretary-General to continue his negotiations with UNESCO. The Advisory Committee took note, also, of the fact that UNITAR had undertaken to provide some teaching assistance for the conduct of the course, without cost to the United Nations or UNESCO.

45. During November 1966, the Secretary-General intends to discuss with the Advisory Committee, if time permits, the outcome of his discussions with UNESCO. An addendum to the present report will be issued on the matter.

Regional seminars

46. As provided in the annex to resolution 2099 (XX), the seminars are to be held every two years, in rotation, in Latin America, Africa and Asia. They are intended to bring together eminent scholars and senior government officials so that they may consider problems of regional or wider interest involving questions of international law.

47. As noted in paragraph 37 above, the Advisory Committee recommended to the Secretary-General that he should recommend to the General Assembly that it welcome UNITAR's proposals to conduct regional seminars in international law, as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX).

(b) Award of fellowships

48. As provided in sub-paragraphs (b) of the annex to resolution 2099 (XX), up to ten fellowships may be awarded in 1967, and up to fifteen fellowships in 1968, at the request of Governments of developing countries. In its report the Special Committee suggested that the fellowships "would provide persons active in the field of international law with additional opportunities to enlarge their knowledge and experience, particularly in the field of international organizations, and would give them an opportunity to work and study at the Headquarters of the United Nations or, if possible, of a specialized agency, or at a recognized university or research institute".¹⁰ The International Atomic Energy Agency has informed the Secretary-General that, although it would be unable to assist financially, it is prepared to offer two places each year, of five to six months' duration, for the training of young lawyers.

49. In the discussions which took place in the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law the main issues which received attention were the method of financing the fellowships and the question of whether, if United Nations fellowships in international law were to be financed out of the regular budget, they should be for study elsewhere than at the United Nations, the specialized agencies and the International Atomic Energy Agency. The recommendation eventually adopted by the Commission in respect of the award of fellowships in 1967 is as follows:

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly the provision in 1967 of fellowships in accordance with sub-paragraph (b) of the programme for 1967 contained in the annex to resolution 2099 (XX). In so

far as such fellowships are financed out of the regular budget, they shall be preferably for study at the United Nations, the Specialized Agencies and the International Atomic Energy Agency; fellowships financed by other means may appropriately be tenable at other international institutions or at national institutions as well."

50. The Advisory Committee recommended that, subject to further consideration by it before the twenty-second session of the General Assembly, provision should be made for the award of fellowships of 1968, in accordance with sub-paragraph (b) of the programme for 1968 contained in the annex to resolution 2099 (XX).

51. As regards the award of up to ten fellowships in 1967, the Secretary-General would propose to inform Member States of the way in which application may be submitted when a final determination has been made as to the source of financing. The Secretary-General would also explore with the Executive Director of UNITAR the possibility that UNITAR may be able to administer the award of fellowships under the programme.

(c) Advisory services of experts

52. In 1967 the advisory services of up to three, and in 1968 of up to five, experts may be provided if requested by developing countries. Such assistance is intended to cover a wide range of activities, including the strengthening of national programmes of teaching international law, the building up of libraries, the preparation of relevant legislation, and the giving of advice in specific fields of international law. The Advisory Committee recommended that, as regards the provision of the advisory services of experts in 1967, "recourse should be made, as developing countries may request, to existing technical assistance funds". Subject to further consideration by it before the twenty-second session of the General Assembly, the Advisory Committee recommended that advisory services of experts should similarly be provided in 1968, in accordance with the programme contained in the annex to resolution 2099 (XX).

53. In the case of the provision of advisory services in 1967, the attention of Member States would be called to this possibility in connexion with established technical assistance programmes.

(d) Provision of United Nations legal publications

54. The United Nations is to provide a set of United Nations legal publications to up to fifteen institutions in developing countries in 1967 and to up to twenty such institutions in 1968, thus making a total of thirty-five institutions. The Secretariat has examined the position with respect to present facilities, including existing United Nations depositary libraries (which receive all United Nations publications) and has established a list of potential recipient institutions situated in Africa, Asia and Latin America. The legal publications to be provided are the following: *Yearbook of the International Law Commission*, *Repertoire of Practice of United Nations Organs*, *Reports of International Arbitral Awards*, *United Nations Legislative Series*, the *Status of Multilateral Conventions in respect of which the Secretary-General acts as Depositary*, the *United Nations Juridical Yearbook*, the *Repertoire of the Practice of the Security Council*, and the *Reports and Yearbook of the International Court of Justice*. Since in many of these cases earlier volumes are now out of

¹⁰ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 89, document A/5887, para. 71.

stock or exist only in one language, it may not be possible to offer the institutions a complete collection of each of these publications; so far as possible, however, their wishes (e.g. in respect of languages or for a particular series) will be catered for.

55. The Advisory Committee recommended that United Nations legal publications should be supplied to the selected institutions during 1967 and 1968, in accordance with sub-paragraphs (d) of the annex to resolution 2099 (XX). In the case of the provision of publications in 1967, the Secretary-General would write to the institutions selected when final approval has been given by the General Assembly to the method of financing this item of the programme.

(e) *Preparation and publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations*

56. The recommendation of the Advisory Committee with respect to this item, and the action taken or proposed by the Secretary-General, have already been dealt with in paragraphs 33 and 34 above.

III. Methods of financing the programme

A. Provisions of General Assembly resolution 2099 (XX) and budgetary arrangements

57. Paragraphs 3, 4 and 5 of resolution 2099 (XX), dealing with the arrangements for financing the programme, provide as follows:

"The General Assembly,

"...

"3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

"4. Requests the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee;

"5. Requests the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution."

58. As regards paragraph 3 of the resolution, the Secretary-General can confirm that no expenditures beyond the total level of appropriations approved for 1966 have so far been incurred in connexion with the preparatory work for the programme.

59. The question of the arrangements for financing an identifiable programme for 1967 and future years as outlined in paragraphs 4 and 5, presents greater points of difficulty and it received considerable attention during the twentieth session of the General Assembly. In a report regarding the financial implications of the draft resolution submitted by the Sixth Committee,¹¹

¹¹ *Ibid.*, document A/C.5/1044.

the Secretary-General took note of the provisions in the resolution to the effect that all requirements for the programme for 1967 and future years which could not be met from voluntary contributions would have to be provided for under the regular budget. The Secretary-General added that account could also be taken of the availability of any resources which UNESCO, EPTA (United Nations Development Programme),¹² or UNITAR could earmark for the financing of specific components of the programme. Accordingly, in submitting the initial budget estimates for 1967 to the Advisory Committee on Administrative and Budgetary Questions in May 1966, the Secretary-General would include, on a provisional basis, the total costs for the 1967 portion of the programme, subject to downward revision depending on the outcome of his appeal for voluntary contributions. In September 1966, the Secretary-General would submit revised estimates, limiting his final budget request to those items set forth in the annex for which no assured voluntary financing had been found.

60. The Advisory Committee on Administrative and Budgetary Questions reviewed the procedure which the Secretary-General proposed to follow. In its report on the financial implications of the Sixth Committee's draft resolution, the Advisory Committee declined to accept the Secretary-General's suggestion that a provision for the items listed in the annex should be included in the initial budget estimates. In paragraph 7 of the report it declared that:

"It is the view of the Advisory Committee that, consistent with the intent of the draft resolution, the Secretary-General should first explore fully the possibility of financing the programme in question from voluntary contributions and through the use of UNESCO, EPTA (United Nations Development Programme) and UNITAR resources before a provision therefor is included in the regular budget estimates. The Committee will await the report of the Secretary-General to the twenty-first session of the General Assembly on his endeavours to secure financing before presenting its considered view of this matter."¹³

61. In accordance with this procedure, which was accepted by the Fifth and Sixth Committees,¹⁴ the Secretary-General made no provision for the programme in his initial 1967 estimates. The Secretary-General's attempts to obtain alternate sources of funds, as required under the resolution and in the light of the report of the Advisory Committee on Administrative and Budgetary Questions, are described below.

B. Attempts to secure alternate sources of funds

1. VOLUNTARY CONTRIBUTIONS

62. In a note dated 28 January 1966, the Secretary-General drew the attention of Member States to para-

¹² During the twentieth session of the General Assembly reference was made to the "Expanded Programme of Technical Assistance (United Nations Development Programme)". This phrase was changed to the "Technical Assistance component of the United Nations Development Programme" with effect from 1 January 1966, following the merger of the Special Fund and the Technical Assistance Board to form the United Nations Development Programme.

¹³ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 89, document A/6157.

¹⁴ *Ibid.*, document A/6175/Rev.1, and document A/6136 paras. 23-25.

graph 4 of the resolution and requested them to consider making voluntary contributions towards the implementation of the programme. The Secretary-General also requested Governments to bring the General Assembly's appeal to the attention of national organizations, foundations and other bodies and persons interested in the field, and, in addition, to communicate to him the names of those that might be approached by the United Nations Secretariat in an effort to secure the financing of the programme. Up to 1 September 1966, only three Member States had pledged contributions: Cyprus pledged \$279; Gabon 50,000 francs CFA (approximately \$204); and Nigeria \$2,000. In addition an individual gave \$400. In a note dated 24 August 1966, the Secretary-General made a renewed appeal to Member States for voluntary contributions, to which Yugoslavia responded by contributing \$2,000. In reply to the Secretary-General's requests, a number of States declared that they were unable to make a financial contribution at this time. As of 1 November 1966, pledges totalling \$4,883 had been received, of which \$4,679 had been paid.

2. UNESCO AND UNITAR

63. UNESCO plans to include in its regular budget for 1967-1968 an appropriation of \$20,000, to meet the cost of studies regarding the possible extension of university teaching of international law and selected problems in the field, and an appropriation of \$15,000 to permit UNESCO's participation in Member States' activities to be extended to cover public international law.¹⁶ In addition \$20,000 will be requested under the technical assistance regional programme for the purposes of the seminar to be held in Africa in 1968; the possibility of the merger of this project with the regional and refresher training course which the United Nations is due to hold in Africa in 1967, is now under consideration (see paras. 43-45 above). The Secretary-General is satisfied, following discussions with UNESCO representatives, that the funds which UNESCO is likely to have available will be required in order to finance the projects which UNESCO has undertaken, or in which it may participate, and that it would not be practical for UNESCO to assume the responsibility for a larger portion of the programme, or to provide funds for activities administered by the United Nations itself.

64. As regards UNITAR, the Secretary-General has described in paragraphs 31 to 40 above the extensive series of activities in the field of international law which UNITAR intends to undertake, two of which, the preparation of a survey on the codification and progressive development of international law and the conduct of seminars, are envisaged in the annex to resolution 2099 (XX). Furthermore, UNITAR is also prepared to provide teaching assistance, at UNITAR expense, for the 1967 regional training and refresher course.

3. UNITED NATIONS TECHNICAL CO-OPERATION ACTIVITIES UNDER PART V OF THE REGULAR BUDGET AND THE TECHNICAL ASSISTANCE COMPONENT OF THE UNITED NATIONS DEVELOPMENT PROGRAMME

65. In paragraph 10 of resolution 2099 (XX) the General Assembly called the attention of Member States "to the existing arrangements whereby, apart from

the programme mentioned in paragraph 2 above, requests may be made:

"(a) Under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

"(b) Under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures;"

66. In paragraph 12 of resolution 2099 (XX) the General Assembly requested the Secretary-General

"to explore the possibility of including the topic 'The teaching, study, dissemination and wider appreciation of international law' among the subjects of technical assistance programmes and to report thereon to the General Assembly at its twenty-first session."

67. On 25 May 1966, the Secretary-General wrote to all countries in receipt of United Nations technical assistance and drew their attention to the four major items of direct assistance listed in the annex to General Assembly resolution 2099 (XX), namely: regional training and refresher courses; regional seminars; fellowships; and experts. The States concerned were asked to indicate their interest in the programme by the formulation and submission of requests for such assistance. It was suggested that, in advance of a final determination of the method of financing the programme, Governments might substitute requests in this field for proposals already made under the 1967 United Nations regular programme of technical assistance or under the 1967-1968 technical assistance component of the United Nations Development Programme. Alternatively, Governments could submit their requests for inclusion in category II¹⁶ of either of the two above-mentioned technical assistance programmes; such requests might, with the agreement of the Governments concerned, then be implemented during the operational period through the use of programme savings where possible. With regard to the regional courses and seminars, expressions of governmental interest would be brought to the attention of the appropriate regional economic commission.

68. Thirty-three countries replied expressing their interest in receiving assistance of the type in question.¹⁷ Only two Member States indicated that they might be prepared in future years to submit requests as part of their individual technical assistance programmes. Several States expressly declared that their interest in the programme was dependent on it being financed in other ways than by recourse to existing technical assistance funds.

69. The Secretary-General has investigated with the Economic Commission for Africa the possibility

¹⁶ Technical assistance items for which no funds are available are placed in a substitution programme, usually referred to as "category IP". If items in the basic programme (category I items) are cancelled for any reason, items may be promoted from category II to category I.

¹⁷ Argentina, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dominican Republic, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, Iran, Ivory Coast, Laos, Lesotho, Liberia, Malaysia, Malta, Mexico, Nigeria, Pakistan, Romania, Saudi Arabia, Singapore, Somalia, Trinidad and Tobago, Uganda, United Arab Republic, United Republic of Tanzania and Western Samoa.

¹⁶ UNESCO document 14 C/5, paras. 790-792.

that the 1967 regional training and refresher course might be financed within the funds made available to that Commission from part V and the technical assistance component of the United Nations Development Programme for regional projects. Owing to the primary importance to the region of the projects already included in those programmes and the number of priority items which had to be placed in category II because of the limitation of resources, it cannot be expected that funds will become available for this purpose.

70. Pursuant to the request of the General Assembly quoted in paragraph 66 above, the Secretary-General submitted a paper to the second session of the Governing Council of the United Nations Development Programme in June 1966, calling attention to the programme, to the methods of financing which had been proposed, and to the provisions of paragraph 12 of resolution 2099 (XX). The Governing Council took note¹⁸ of the developments in connexion with the programme, but did not include the topic among the subjects of technical assistance programmes. Thus, under existing technical assistance programmes Member States may only request assistance with respect to international law which satisfies the criteria spelt out in paragraph 10 of General Assembly resolution 2099 (XX).

4. SUMMARY OF THE SECRETARY-GENERAL'S EFFORTS TO SECURE ALTERNATE SOURCES OF FINANCING FOR THE PROGRAMME

71. Although the Secretary-General has investigated each of the alternate sources of funds which were suggested, his efforts have not yet produced an adequate means of financing the major items of the programme from sources other than the regular budget, except to the extent to which UNITAR has agreed to undertake certain projects, in particular the conduct of seminars and the preparation of a survey on the codification and progressive development of international law. Whereas the first section of the programme dealing with steps to encourage and co-ordinate existing international law programmes entails only administrative and similar expenditures for the United Nations which can be largely met within existing levels of appropriations, the forms of direct assistance and exchange listed in the annex to resolution 2099 (XX) would require expenditures over and above those levels during 1967 and future years. Voluntary contributions have so far proved too small to be of significance. UNESCO is unable to provide funds in excess of those required for its own share of the programme. Member States in receipt of technical assistance, while expressing interest in the programme, have for the most part not submitted their requests, whether by substitution or other means, under established technical assistance programmes. As regards the 1967 African regional training and refresher course, as indicated above, it is highly unlikely that it will be feasible to provide finance under the regional technical assistance programme for that year owing to the heavy demand on that programme which has already accumulated. Furthermore, two of the items listed in the annex to resolution 2099 (XX), namely the provision of United Nations legal publications to thirty-five institutions and the preparation of a survey of the

principal examples of the codification and progressive development of international law, could not in any case be considered against technical assistance funds.

72. The Secretary-General reported these facts to the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, which considered them at length before adopting its recommendations.

IV. Meetings and recommendations of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law

73. The opening meeting of the Advisory Committee was convened by the Secretary-General on 19 September 1966. The representative of Ghana was elected Chairman by acclamation. Meetings of the Committee were attended by the representatives of Belgium, Ecuador, France, Ghana, Hungary, Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America. The Advisory Committee had before it the Secretary-General's draft report on the implementation of resolution 2099 (XX). Statements were made to the Committee by the representative of the Secretary-General. Representatives of UNESCO and UNITAR, who were invited to attend, also made statements to the Committee and answered questions raised by members of the Committee.

74. The Advisory Committee held six plenary meetings between 19 September and 12 October 1966, and five meetings as a working group between 20 and 23 September 1966. The Committee adopted a series of recommendations regarding the various items of direct assistance listed in the annex to resolution 2099 (XX). Five members of the Committee, Belgium, France, Hungary, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, reserved the position of their respective Governments regarding the method of financing the items referred to in the recommendations. The text of the recommendations to the Secretary-General, as finally adopted, is reproduced below.

"PROGRAMME FOR 1967

"1. Regional training and refresher course

"The Advisory Committee agreed to recommend to the Secretary-General that he should discuss further with UNESCO the proposal that:

"(i) A joint regional training and refresher course and seminar should be held in Africa in 1967, under the auspices of the United Nations and UNESCO, to provide further training for teachers, specialists and advanced students of international law, in accordance with sub-paragraph (a) of the programme for 1967 contained in the annex to resolution 2099 (XX).

"(ii) The project should be jointly financed by the United Nations and UNESCO. The cost of the United Nations participation should be met from voluntary contributions received, or which may be received, and to the extent that such contributions may be insufficient, from the regular budget of the United Nations; and should, in the light of these discussions, consult the Advisory Committee again or report to the General Assembly.

"The Committee took note of the fact that UNITAR would be able to provide assistance for the conduct of the course.

¹⁸ Official Records of the Economic and Social Council, Forty-first Session, Supplement 11 A, para. 214 and para. 225 (c).

"2. The award of fellowships and the provision of advisory services of experts

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly the provision in 1967 of fellowships in accordance with sub-paragraph (b) of the programme for 1967 contained in the annex to resolution 2099 (XX). In so far as such fellowships are financed out of the regular budget, they shall be preferably for study at the United Nations, the specialized agencies and the International Atomic Energy Agency; fellowships financed by other means may appropriately be tenable at other international institutions or at national institutions as well. As regards the provision of the advisory services of experts in accordance with sub-paragraph (c) of the programme for 1967 contained in the annex to resolution 2099 (XX), recourse should be made, as developing countries may request, to existing technical assistance funds.

"3. Provision of United Nations legal publications

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that a set of United Nations legal publications should be supplied to up to fifteen institutions in developing countries, in accordance with sub-paragraph (d) of the programme for 1967 contained in the annex to resolution 2099 (XX).

"4. Studies relating to the codification and progressive development of international law within the framework of the United Nations

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that it welcome the plans of UNITAR to carry out studies relating to the codification and progressive development of international law within the framework of the United Nations, as envisaged in sub-paragraphs (e) of the annex to resolution 2099 (XX), and should further make any recommendations he deems appropriate for supplementing the resources of UNITAR to this end.

"The representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania expressed the reservations of their Governments regarding these recommendations; they stated that in their view it would be desirable if the Secretary-General could hold discussions with UNITAR in order to see how UNITAR's plans in this sphere could be brought as closely into line as possible with the programme established under resolution 2099 (XX).

"PROGRAMME FOR 1968

"1. Regional seminar

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that it welcome the proposal of UNITAR to hold a regional seminar in 1968 in Latin America as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX), and that it also welcome any plans of UNITAR to conduct similar seminars in subsequent years.

"2. The award of fellowships and the provision of advisory services of Experts

"Subject to further consideration by the Advisory Committee before the twenty-second session of the General Assembly, the Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that provisions should be made by the United Nations for the award of fellowships and for the provision of the advisory services of experts in 1968, in accordance with sub-paragraphs (b) and (c) of the programme for 1968 contained in the annex to resolution 2099 (XX).

"3. Provision of United Nations legal publications

"Subject to further consideration by the Advisory Committee before the twenty-second session of the General Assembly, the Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that provision should be made to supply United Nations legal publications to up to twenty institutions in developing countries, in accordance with the sub-paragraph (d) of the programme for 1968 contained in the annex to resolution 2099 (XX)."

75. The action taken or proposed by the Secretary-General in the light of the recommendations of the Advisory Committee has been described in chapters II and III of the report.

V. Summary of financial implications

76. During the twentieth session of the General Assembly, the costs of the programme of direct assistance listed in the annex to resolution 2099 (XX) were preliminarily estimated at some \$210,000 for 1967 and \$280,000 for 1968. Taking into consideration the results of the Secretary-General's efforts to secure alternate sources of financing (see paras. 71-72 above), a revised estimate, limited to the costs of that part of the programme for which no extra-budgetary means of financing has been found, is given below:

	1967	US dollars <i>Pro memoria</i>
Regional training and refresher course		
Ten fellowships		36,000
Subvention to UNITAR to assist in the preparation of a survey relating to the codification and progressive development of international law		15,000
Shipping of a set of United Nations legal publications to fifteen institutions in developing countries		2,100
Additional staff in the Office of Legal Affairs		5,000
		58,100
In addition, the provision of a set of United Nations legal publications to some fifteen institutions in developing countries would entail a loss of potential sales revenue of some \$3,100		
	1968	US dollars
Fifteen fellowships		54,000
Shipping of a set of United Nations legal publications to twenty institutions in developing countries		2,800
Additional staff in the Office of Legal Affairs		5,000
		61,800
In addition, the provision of a set of United Nations legal publications to a further twenty institutions in developing countries would entail a loss of potential sales revenue of approximately \$4,100		

In addition, the provision of a set of United Nations legal publications to a further twenty institutions in developing countries would entail a loss of potential sales revenue of approximately \$4,100

77. The following detailed information may be noted regarding particular items in the present estimates. Pending the outcome of discussions with UNESCO concerning the proposal that the 1967 regional course be conducted jointly, no estimate of costs to the United Nations can be made. Accordingly, a provision *pro memoria* is made at this time. As recommended by the Advisory Committee (see para. 74 above), the Secretary-General would intend to utilize, in the first instance, voluntary contributions received to date.

78. The estimated cost of ten fellowships exceeds the provisional estimate given in 1965, as the average cost for a fellowship of the type envisaged, based on experience in other programmes, has increased from \$2,450 to \$3,600.

79. A subvention to UNITAR is included on the recommendation of the Advisory Committee to assist UNITAR to carry out a survey relating to the codification and progressive development of international law. UNITAR has estimated that preparation of the survey would cost a minimum of \$40,000, consisting of \$24,000 for staff costs and \$16,000 for the convening of a panel of six or seven eminent international lawyers, for two sessions. General direction and administrative support for the project would be provided by UNITAR through its regular staff, without additional cost. UNITAR is able to provide \$25,000 from its own budget to meet these costs; with a lump-sum subvention of \$15,000 from the United Nations, UNITAR would undertake to meet the total costs of the project, even if they should be greater than originally estimated.

80. Additional staff required in the Office of Legal Affairs is limited to a secretary to help meet the clerical burden falling on that office in connexion with the implementation of the programme.

81. As set out in full in paragraph 60 above, the Advisory Committee on Administrative and Budgetary Questions stated that it would await the report of the

Secretary-General to the twenty-first session of the General Assembly on the results of his endeavours to secure alternate sources of financing for the programme before presenting its view on the question of making provision in the regular budget for the programme. Accordingly, the matter will be submitted to the Advisory Committee on Administrative and Budgetary Questions at an early date, and will be the subject of reports to the General Assembly during its current session.

DOCUMENT A/6492/ADD.1

[Original text: English]
[8 December 1966]

In paragraphs 42-47 of the report of the Secretary-General (A/6492), reference is made to the recommendation of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law that the Secretary-General should discuss with UNESCO the proposal that the 1967 regional training and refresher course should be held jointly with UNESCO, on a joint financial basis. UNESCO has informed the Secretary-General that it is prepared to accept the proposal. On 8 December 1966, the Secretary-General consulted the Advisory Committee, which recommended that UNESCO's response should be accepted.

DOCUMENT A/6576

Report of the Sixth Committee

[Original text: English]
[12 December 1966]

INTRODUCTION

1. The General Assembly, at its twentieth session, on 20 December 1965, adopted resolution 2099 (XX) entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law".¹⁹ The programme of assistance in the field of international law established under that resolution was divided into two parts, the first consisting of steps to encourage and develop existing international law programmes being carried out by States and others, and the second of various forms of direct assistance and exchange, in particular those listed in the annex to the resolution. Besides referring to the United Nations itself, the General Assembly invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to participate in the programme and requested the United Nations Institute for Training and Research (UNITAR) to consider the ways in which international law might be given its proper place among the activities of the Institute.

2. In addition, the General Assembly established an Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, composed of ten Member States, to advise the Secretary-General on the conduct of the programme. The Advisory Committee met between 19 September and 12 October 1966 to

consider the draft report of the Secretary-General describing the steps taken to implement resolution 2099 (XX). The Advisory Committee adopted a number of recommendations, which the Secretary-General accepted in full. The Secretary-General's report (A/6492), which had been revised to take account of the proceedings of the Advisory Committee and of the statements made before it by the representatives of UNESCO and UNITAR, was issued on 1 November. On 8 December, an addendum to the report (A/6492/Add.1) was issued, following UNESCO's acceptance of the proposal, recommended by the Advisory Committee, that the 1967 regional training and refresher course should be held jointly by the United Nations and UNESCO, on a basis of joint financing.

3. At its 1415th plenary meeting, on 24 September 1966, the General Assembly decided to include the item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law" in the agenda of its twenty-first session. The item was allocated to the Sixth Committee on the understanding that it should be referred also to the Second Committee for comments on the technical aspects. The Chairman of the Sixth Committee accordingly sent a letter dated 21 November 1966 (see A/C.6/375, annex 1) to the Chairman of the Second Committee, inviting his attention to the Secretary-General's report, so that the matter might be placed before the Second Committee at a suitable moment in its deliberations. In a letter dated 8 Decem-

¹⁹ For the relevant documents, see *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 89.

ber 1966 (A/C.6/375) the Chairman of the Second Committee informed the Chairman of the Sixth Committee that the matter had been considered at the 1093rd meeting of the Second Committee, on 7 December, and transmitted the relevant extract from the provisional summary record of that meeting. At the 953rd meeting of the Sixth Committee, the Chairman of the Sixth Committee drew the attention of representatives to the letter received from the Chairman of the Second Committee.

4. The Sixth Committee considered the item at its 943rd to 945th meetings, on 30 November and 1 December, and at its 954th meeting, on 10 December.

PROPOSAL

5. A draft resolution was submitted by Afghanistan, Ghana, Kenya, Nigeria, Sierra Leone, Somalia, the United Arab Republic, the United Republic of Tanzania and the United States of America (A/C.6/L.611 and Add.1 and 2). A revised version of the draft (A/C.6/L.611/Rev.1), containing only minor changes, was submitted by the same sponsors, joined by Austria, Cameroon, Dahomey, Ethiopia, Mali, Syria, Uruguay and Zambia (A/C.6/L.611/Rev.1 and Add.1 and 2).

DEBATE

General observations

6. The representatives who spoke in the debate emphasized the importance of international law for the maintenance of peaceful relations between States and for the promotion of greater measures of international co-operation. Many representatives drew attention to the increased scope of international law which now dealt, through a variety of institutional means, with topics which had previously gone unregulated. This development which had occurred in response to changing conditions, had been accompanied by a rapid increase in the number of States actively participating in international affairs. The formulation of norms of international law should therefore take due account of the interests and views of all countries. The increased importance which might come to be attached to international law in these circumstances would in turn be beneficial to States throughout the world, especially those which were engaged in vigorous efforts to further their economic and social development.

7. All representatives who participated in the discussions supported the steps taken or proposed by the Secretary-General, by UNESCO or by UNITAR in order to execute the programme established under General Assembly resolution 2099 (XX). Satisfaction was expressed at the fact that after consideration for several years the programme had now reached the stage of practical realization. The programme would, amongst other things, help to meet the needs of the developing countries for the provision of expert staff and also enable them to strengthen their institutions engaged in the training of officials and others concerned with international law.

8. As regards the over-all operation of the programme, particular stress was laid by some representatives on the principle that all activities undertaken should reflect the existence of different legal and social systems in the world; this applied, in particular, to the provision of teachers and other trained personnel to developing countries. Others stressed that competence

in the particular field should be the governing criterion. The view was also expressed that, having regard to the diverse nature of the different items included in the programme, every effort should be made to secure a maximum degree of co-ordination and co-operation, both within the United Nations and its kindred organizations and outside it. In that way a duplication of effort would be avoided and available resources, which were not unlimited, used to best advantage.

Observations on specific matters contained in the Secretary-General's report (A/6492 and Add.1)

9. Special attention was drawn in the course of the debate to a number of specific matters falling within the framework of the programme established under resolution 2099 (XX).

Steps to encourage and co-ordinate existing international law programmes

10. Several representatives referred in this connexion to the preparation of the proposed register of experts and scholars in international law, which they considered would be of particular value to developing countries. The measures taken or proposed by the Secretary-General as regards co-operation with other organizations and the publicizing of the legal activities of the United Nations were approved, and the wish was expressed that the Secretary-General's efforts in this direction, especially as regards publicity, should, if possible, be increased in future years. As for the items for which UNESCO was responsible, a number of representatives referred to the survey of the teaching of international law and the preparation of a study programme, both of which they considered were worthwhile undertakings.

Bilateral programmes

11. A large number of the representatives who spoke referred to the programmes conducted, either by official and private bodies, on a bilateral basis, in order to provide opportunities for training persons coming from developing countries in international law. These efforts, for which the United Nations programme could scarcely act as a substitute, would be intensified in future years. Representatives from developing countries acknowledged with gratitude the opportunities provided by developed countries in this direction. Some expressed the view, however, that although the facilities made available on a bilateral basis had been, and would continue to be, of great value, a multilateral programme conducted under United Nations auspices would best serve to foster universality in the teaching of international law.

Geneva Seminar on International Law

12. Several representatives mentioned the Geneva Seminar on International Law, held in conjunction with the meetings of the International Law Commission, and indicated that their Governments would consider increasing or maintaining their financial support for individuals participating in the Seminar in future years.

Activities of UNITAR

13. As regards the activities of UNITAR in the field of international law, there was widespread praise for UNITAR's response to the General Assembly's request in resolution 2099 (XX) that international law be given its proper place in the activities of the Institute.

The extensive number of projects to be undertaken by UNITAR, ranging from the conduct of studies and seminars to the provision of fellowships and other training facilities, would all be of great value. UNITAR, which was financed from voluntary contributions, was in an excellent position to ensure that these projects would be capably executed. As regards the survey of the role of the United Nations in the codification and progressive development of international law, one representative stated that he hoped the survey would not be limited to a historical recapitulation of the relevant facts but would extend to an analysis of the results achieved and the obstacles to further progress in this field.

Participation of UNESCO

14. The participation of UNESCO was uniformly welcomed. The wide experience of UNESCO in educational and training activities would be of special importance for the successful implementation of the programme. Collaboration between the two organizations would prevent duplication of effort and dispersal of scarce resources.

1967 regional training and refresher course

15. All representatives who spoke expressed their gratitude to the United Republic of Tanzania for its generosity in offering facilities to enable the 1967 regional training and refresher course to be held in Dar es Salaam. The offer was indicative of Tanzania's interest in the further development of international law—an interest shared by other African countries. Representatives also thanked UNESCO for its co-operation in agreeing to hold the 1967 regional course jointly with the United Nations. As regards the actual conduct of the course, a number of representatives from African Member States emphasized the importance they attached to holding the course on a bilingual basis. Several representatives commented on the question of the selection of lecturers for the course; lecturers, in their view, should be chosen on a basis which ensured equitable geographical distribution, with due recognition being given to the main legal systems of the world. Other representatives who referred to this issue, while acknowledging that the teaching staff should be chosen on as wide a basis as possible, emphasized the need that regard be had to the competence and merit of individual lecturers, and not solely to ideological or geographical considerations.

1968 regional seminar

16. Several representatives stated that they regretted that the draft resolution before the Committee (A/C.6/L.611/Rev.1) did not refer expressly to the holding of a regional seminar in Latin America in 1968, as envisaged in the annex to General Assembly resolution 2099 (XX). One representative, however, declared that this omission did not indicate any change in the arrangement previously agreed upon.

Other items of direct assistance

17. As regards the other items of direct assistance listed in the annex to resolution 2099 (XX), general approval was expressed of the steps proposed by the Secretary-General on the basis of the recommendations of the Advisory Committee. A few representatives were of the opinion that fellowships awarded under the programme should be tenable at national institutions as well as at United Nations offices. With respect to the provision of the advisory services of experts, the

prevailing view was that such services should be made available within the framework of established technical assistance programmes, as the Advisory Committee had recommended. Two representatives, however, drew attention to the fact that this was a departure from the possibility envisaged in resolution 2099 (XX), that a limited number of experts might be provided independently of the technical assistance programmes.

Observations on the draft resolution (A/C.6/L.611/Rev.1)

18. In paragraph 6 of the original draft resolution (A/C.6/L.611) it was proposed that the programme established under resolution 2099 (XX) should henceforth be known as the United Nations programme of assistance in international law. This title was subsequently changed to the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/C.6/L.611/Rev.1, para. 6). Criticisms of this change were expressed by a number of representatives, chiefly over the omission of the word "technical"; it was felt that this omission might indicate a shift in the original concept of the programme, which had been envisaged as a means of assisting developing countries, towards a programme which was not primarily intended to meet the needs of those countries. One representative, however, declared that the word "technical" should not appear in the title since this would constitute a restriction on the scope of assistance which could be provided. The view was also expressed that the omission of the word from the title would be an improvement in that it would eliminate the question which had arisen at the present session as to the relative degrees of competence of the Second and Sixth Committees regarding the subject-matter of the programme. One of the sponsors of the draft resolution emphasized that the change in name was not intended to alter in any way the content of the programme, which would remain, as before, primarily directed towards assisting the developing countries.

19. Paragraph 7 of the draft resolution would request the Secretary-General to report to the twenty-second session of the General Assembly on the preparation and execution of the items of the programme for performance in 1967 and 1968 and to submit, following consultations with the Advisory Committee, recommendations regarding the execution of the programme in subsequent years. Several representatives suggested that it would be preferable to learn as much as possible from the experience of the first two years of the programme and to wait until the twenty-third session of the General Assembly before presenting recommendations for future years. One of the sponsors of the draft resolution declared that the proposal contained in paragraph 7 was based on the understanding that recommendations would be submitted to the twenty-second session of the General Assembly by the Secretary-General, following consultations with the Advisory Committee, only to the extent that these appeared necessary at the time, and that recommendations would also be made, as appropriate, to the twenty-third session of the General Assembly with respect to 1969 and subsequent years.

Financing of the programme

20. When the Sixth Committee discussed the item during its 943rd to 945th meetings it had not been pos-

sible for the Secretary-General to consult with the Advisory Committee on Administrative and Budgetary Questions, as required by operative paragraph 5 of resolution 2099 (XX), since the final decision of UNESCO had not been received. The remarks of representatives relating to the financing of the programme tended accordingly to be tentative in character. One of the reasons for the welcome given to the activities undertaken by UNESCO and UNITAR, however, lay in the fact that these organizations would also bear the costs involved, either in whole or in part. Having regard to the smaller number of projects being conducted by the United Nations itself, there would be a corresponding reduction in the level of financial requirements to be met by the United Nations. The majority of the representatives stressed the need that voluntary contributions—which it was agreed had so far been disappointing—should be increased in future years, so that recourse to the regular budget as a source of financing would be had only as a last resort. In the opinion of nearly all the representatives who spoke, the outstanding items might be financed from the regular budget if all efforts to find other means of financing were unsuccessful. Several representatives, while agreeing that recourse might be had to the regular budget in the case of outstanding items for performance in 1967, wished to reserve their position in principle with

respect to subsequent years. In addition, some representatives declared that in their view the implementation of the resolution should not involve additional budgetary appropriations in 1967 and that the requests of the countries concerned should be considered within the framework of the United Nations Development Programme.

VOTING

21. At its 954th meeting, on 10 December 1966, the Sixth Committee adopted the seventeen-Power draft resolution (A/C.6/L.611/Rev.1 and Add.1 and 2) by 73 votes to none.

Recommendation of the Sixth Committee

22. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1496th plenary meeting, on 16 December 1966, the General Assembly, by a vote of 74 to none, adopted the draft resolution submitted by the Sixth Committee (A/6576, para. 22). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2204 (XXI).

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 or description</i>	<i>Observations and references</i>
A/6582	Revised estimates—Programme of assistance and exchange in the field of international law: report of the Advisory Committee on Administrative and Budgetary Questions	See <i>Official Records of the General Assembly, Twenty-first Session, Annexes</i> , agenda item 74
A/C.5/1103	Revised estimates—Programme of assistance and exchange in the field of international law: report of the Secretary-General	<i>Ibid.</i>
A/C.6/375	Letter dated 8 December 1966 from the Chairman of the Second Committee to the Chairman of the Sixth Committee	Mimeographed
A/C.6/L.611 and Add.1 and 2	Afghanistan, Ghana, Kenya, Nigeria, Sierra Leone, Somalia, United Arab Republic, United Republic of Tanzania and United States of America: draft resolution	Replaced by A/C.6/L.611/Rev.1 and Add.1 and 2
A/C.6/L.611/Rev.1 and Add.1 and 2	Afghanistan, Austria, Cameroon, Dahomey, Ethiopia, Ghana, Kenya, Mali, Nigeria, Sierra Leone, Somalia, Syria, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay and Zambia: revised draft resolution	Adopted without change. See A/6576, para. 22



Agenda item 87:* Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations:

- (a) **Report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;**
- (b) **Report of the Secretary-General on methods of fact-finding****

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Sixth Committee, 924th to 942nd meetings, ibid., Fifth Committee, 1163rd meeting; and ibid., Plenary meetings, 1488th and 1489th meetings.*

** This question was also discussed by the General Assembly at the following sessions: seventeenth session (agenda item 75), eighteenth session (agenda item 71), twentieth session (agenda items 90 and 94).

DOCUMENT A/6228

Report of the Secretary-General on methods of fact-finding

[Original text: English/French]
[22 April 1966]

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Introduction

1. On 20 December 1965, at its twentieth session, the General Assembly adopted resolution 2104 (XX) entitled "Question of methods of fact-finding". In paragraph 1 of the resolution the General Assembly requested the Secretary-General to supplement an earlier study of the problem,¹

"so as to cover the main trends and characteristics of international inquiry, as envisaged in some treaties as a means of ensuring their execution, and to report to the General Assembly at its twenty-first session."

In paragraph 2 the General Assembly invited Member States to submit in writing to the Secretary-General before July 1966 any views or further views which they may have on this subject in the light of the reports of the Secretary-General and the relevant chapter of the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.²

2. The following report summarizes the methods used by a number of international organizations in order to verify the execution by States of the obligations they have assumed under international agreements and treaties. The variety of the organizations concerned and of the facts investigated has rendered it impracticable to arrange the study solely in terms of the methods used. The report has therefore been divided into three chapters, dealing respectively with fact-finding as conducted by United Nations bodies, by the specialized agencies and the International Atomic Energy Agency, and by other international bodies. The account given of the practice of the various organizations has been based for the most part on information supplied by the organizations themselves.

I. Fact-finding conducted by United Nations bodies with respect to the execution of international agreements

A. HUMAN RIGHTS

3. The methods of fact-finding employed by United Nations bodies in the field of human rights fall into the following categories: methods provided in interna-

¹ For this study see *Official Record of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5694.

² *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5746.

tional conventions; reporting systems established by the General Assembly or by the Economic and Social Council; methods used in the preparation of studies on special rights or groups of rights; and methods used by *ad hoc* bodies appointed to consider particular problems. The examples given in the summary below are not intended to be exhaustive.

1. Methods provided in international conventions

(a) Submission of information by contracting States to United Nations bodies

4. A number of multilateral conventions relating to human rights require contracting States to undertake to provide United Nations bodies with information regarding pertinent national legislation and the steps taken to implement the convention. Examples include the Convention relating to the Status of Refugees,³ the Convention relating to the Status of Stateless Persons⁴ and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.⁵

(b) Review, conciliation and inquiry system envisaged in the International Convention on the Elimination of All Forms of Racial Discrimination

5. This Convention, which was adopted by the General Assembly in resolution 2106 (XX) of 21 December 1965, provides that the periodic reports to be made by States Parties regarding the steps taken to give effect to the Convention shall be considered by a special body, the Committee on the Elimination of Racial Discrimination, composed of eighteen experts of high moral standing and acknowledged impartiality. The Committee, which may request additional information, shall submit an annual report to the General Assembly. If a State Party considers that another State Party has failed to observe the Convention it may submit the matter to the Committee, which shall then invite the State against which the allegation is made to give its comments. If the issue is not resolved to the satisfaction of both Parties, the Committee may appoint an *ad hoc* conciliation commission, which shall have at its disposal all the information previously obtained and which may call for more information on its own initiative. The report of the Conciliation Commission is communicated to the Parties by the Chairman of the Committee. The

³ United Nations, *Treaty Series*, vol. 189, p. 137.

⁴ *Ibid.*, vol. 360, p. 117.

⁵ *Ibid.*, vol. 266, p. 3.

States Parties to the dispute must declare within three months whether or not they accept the Commission's recommendations; after this period the report and the declarations of the States Parties concerned are communicated to the other contracting States.

6. If a State Party agrees, the Committee may receive communications from individuals within the jurisdiction of the State concerned regarding alleged non-observance of the Convention by that State. Such communications are to be brought to the attention of the State Party, which shall submit written statements clarifying the matter and the remedy, if any, that may have been adopted. The Committee shall consider the original communication in the light of the information made available to it and shall forward to the State Party and the petitioner any suggestions and recommendations which it wishes to make.

2. Reporting systems established by the General Assembly or by the Economic and Social Council

(a) Periodic reports on developments in human rights

7. In resolution 1074 C (XXXIX) of 28 July 1965, the Economic and Social Council invited States Members of the United Nations and members of the specialized agencies to supply information on human rights and fundamental freedoms in territories subject to their jurisdiction, within a continuing three-year cycle scheduled as follows: in the first year, on civil and political rights; in the second year, on economic, social and cultural rights and in the third year, on freedom of information. The Council also invited the specialized agencies to continue their contributions to the periodic reports in accordance with the above schedule and section I of Council resolution 624 B (XXII), which invited them to submit reports, on a topical basis, summarizing the information which they had received from their member States. Non-governmental organizations in consultative status were invited to continue to submit comments and observations of an objective character on the situation in the human rights field; any material so received which refers to any particular State Member of the United Nations or member of a specialized agency is to be forwarded by the Secretary-General to the State concerned for any comment it may wish to make.

8. Under resolution 624 B (XXII) Governments were asked, *inter alia*, to describe the measures taken to safeguard human liberty in their metropolitan areas and Non-Self-Governing and Trust Territories, and to deal with the right of peoples to self-determination and the rights enumerated in the Universal Declaration of Human Rights. In resolution 1074 C (XXXIX), the Council suggested that Governments include more information on judicial and other decisions and administrative practices affecting human rights and on the ratification and accessions to international agreements in the field of human rights.

(b) Reports relating to the implementation of international conventions, declarations and similar instruments

9. In resolution 504 E (XVI) of 23 July 1953, the Economic and Social Council requested States Parties to report every two years on the measures taken by them to implement the provisions of the Convention on the Political Rights of Women.⁶ In resolution 961 B (XXXVI) of 12 July 1963, the Council expanded the

reporting system to include all States Members of the United Nations, whether or not they were parties to the Convention. It invited the Government of each State Member of the United Nations to supply the Secretary-General with appropriate information every two years regarding the implementation of the principles stated in the Convention, including, in particular, whether any women have been elected to high official posts. The Secretary-General submits reports based on the information received from Governments under these two resolutions to the Commission on the Status of Women.

10. The Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the General Assembly in resolution 2018 (XX) of 1 November 1965, provides for a system of reporting by Governments on a continuing basis. In the Recommendation the General Assembly proposed that each Member State should bring the Recommendation before the authorities competent to enact legislation or to take other action at the earliest practicable moment and, if possible, not later than eighteen months after the adoption of the Recommendation. The Assembly also recommended that Member States should inform the Secretary-General, as soon as possible after action referred to above, of the measures taken to bring the Recommendation before the competent authority or authorities and who these competent authorities were. Member States were asked to report to the Secretary-General at the end of three years, and thereafter at intervals of five years, on their law and practice with regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to its provisions, and such modifications as have been found, or may be found, necessary in adapting or applying it.

11. Under the terms of the Recommendation, the Secretary-General will submit the reports received from Governments to the Commission on the Status of Women, which is invited to examine them and to report thereon to the Council with such recommendations as it may deem fit to make.

3. Methods used in the preparation of studies on special rights or groups of rights

12. At its twelfth session held in 1956, the Commission on Human Rights decided to undertake a series of studies on specific rights or groups of rights and to stress in these studies general developments, progress achieved and measures taken to safeguard human liberty, with such recommendations of an objective and general character as might be necessary. The material used in the preparation of such studies, whether by an *ad hoc* Committee of the Commission on Human Rights or by a special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, is drawn from the following sources: the Governments of States Members of the United Nations and members of the specialized agencies; the Secretary-General; specialized agencies; non-governmental organizations in consultative status; and writings of recognized scholars and scientists. When a study is initiated, the organ responsible for the study, utilizing the above-mentioned sources, collects information on the law and practices in individual countries concerning the subject of the study and prepares a draft monograph on each country. Use is not made of any information or material on which the Government concerned has not had an opportunity to comment. The draft country monographs

⁶ *Ibid.*, vol. 193, p. 135.

are forwarded to the Governments concerned for checking, verification and comment, and are then revised in the light of the information received. On the basis of these country monographs, a world-wide study is then prepared for submission to the Sub-Commission on Commission.⁷

13. In preparing studies for the Commission on the Status of Women, two principal methods have been followed for the collection of information. Questionnaires have been prepared and sent to Governments and reports have been based on the replies received from Governments to such questionnaires. Examples may be found in the questionnaire on the legal status and treatment of women, prepared in accordance with resolution 11 (II) of the Economic and Social Council; the questionnaire on inheritance laws as they affect the status of women, prepared in accordance with resolution 10 (XIV) of the Commission on the Status of Women; and a questionnaire on dissolution of marriage, annulment of marriage and judicial separation, prepared in accordance with resolution 14 (XV) of the Commission.

14. The other principal method is the compilation of information from sources available to the Secretary-General. This method has been followed, for example, in the study of the effect on national legislation of resolutions and recommendations of the Commission on the Status of Women. After considering the Secretary-General's report on this matter, the Commission, in resolution 14 (XVIII), requested the Secretary-General to forward the report to Governments of States Members of the United Nations and members of the specialized agencies in order to supplement the information on national legislation contained therein and to prepare a supplementary report, if possible, on a biennial basis. Other examples of this method of collecting information may be found in the reports prepared annually by the Secretary-General, under Economic and Social Council resolution 120 A (VI) of 3 March 1948, on constitutions, electoral laws and other legal instruments relating to the political rights of women; and reports on the nationality of married women, prepared every two years, by the Secretary-General under Council resolution 547 D (XVIII) of 12 July 1954.

4. Methods used by ad hoc bodies appointed to consider particular problems

(a) Ad Hoc Committee on Forced Labour

15. Pursuant to Council resolution 350 (XII), in 1951 the Secretary-General of the United Nations and the Director-General of the International Labour Office jointly appointed an *Ad Hoc* Committee on Forced Labour composed of three independent members qualified by their competence and impartiality to study the nature and extent of the problem raised by the existence of systems of forced or coercive labour, by examining the texts of laws and regulations and their application and, if necessary, by taking additional evidence. The Committee decided that it should first undertake a survey of the problem of forced labour and, thereafter, if it were found to exist, a study of its nature and extent. For the purposes of the survey the Committee endeavoured to obtain relevant information, on a global basis, by three means: through a questionnaire on forced labour which it transmitted to Gov-

ernments; from documents and evidence which had been brought to the knowledge of the Council during its debates on the subject; and from documentation and other evidence submitted by non-governmental organizations and private individuals.

16. After completing its survey, the Committee decided to confine its detailed study to those countries or territories concerning which allegations regarding the existence of forced labour had been made. Summaries of such allegations and of the documentary evidence in the Committee's possession were transmitted to the Governments concerned for comment; and the final study,⁸ containing the Committee's conclusions, was based on all the material available to the Committee. As to the remaining countries, the Committee decided simply to publish, without comment or conclusions, its summary of the replies of the Governments concerned to the questionnaire.

(b) Rapporteur on freedom of information

17. By resolution 442 C (XIV) the Economic and Social Council decided to appoint, for a period of one year, a rapporteur to prepare, for submission to the Council in 1953, a substantive report covering major contemporary problems and developments in the field of freedom of information. The report⁹ was prepared in co-operation with the Secretary-General, the specialized agencies (in particular UNESCO), and the professional organizations concerned, both national and international. Comments and suggestions from Governments, information enterprises and national and international professional associations were obtained for the Rapporteur by the Secretary-General. At its twenty-seventh session the Council adopted resolution 718 II (XXVII), requesting the Secretary-General to prepare a substantive report for submission to the Council in 1961 on developments in the field of freedom of information since 1954. The preparation of this report¹⁰ was entrusted by the Secretary-General to a consultant who, in conformity with resolution 718 (XXVII), enlisted the co-operation of the same bodies as the previous Rapporteur.

(c) Rapporteur on slavery

18. Under resolution 525 A (XVII) of 29 April 1954, the Economic and Social Council appointed a Rapporteur to prepare a concise summary of the information on slavery supplied in accordance with that resolution and earlier decisions of the Council, as well as of any relevant information supplied by the ILO. The information presented by the Rapporteur to the Council in 1955 was extracted from: replies of Governments to the questionnaire on slavery and servitude prepared by the *Ad Hoc* Committee established under Council resolution 238 (IX); the ancillary memoranda prepared individually by certain members of the *Ad Hoc* Committee; materials furnished by non-governmental organizations and experts; and materials supplied by the ILO.¹¹

19. In 1963 the Secretary-General, pursuant to Council resolution 960 (XXXVI), appointed a Special Rapporteur on slavery to bring the 1955 report up to

⁸ *Official Records of the Economic and Social Council, Sixteenth Session, Supplement No. 13.*

⁹ *Ibid.*, Supplement No. 12.

¹⁰ *Ibid.*, Thirty-first Session, Annexes, agenda item 10 (part II), document E/3443.

¹¹ *Ibid.*, Nineteenth Session, Annexes, agenda item 8, document E/2673.

⁷ See for example, *Study on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile* (United Nations publication, Sales No.: 65.XIV.2).

date by collecting information on slavery from Member States of the United Nations, from the specialized agencies, and from non-governmental organizations in consultative status. The Secretary-General formulated, in consultation with the Special Rapporteur, a questionnaire for submission to Member States, specialized agencies and interested non-governmental organizations in consultative status, with a view to putting full information on slavery at the disposal of the Special Rapporteur. The report was presented by the Special Rapporteur to the Economic and Social Council in 1965.¹²

B. NARCOTIC DRUGS

20. A number of international agreements relating to narcotic drugs were concluded prior to the establishment of the United Nations. By virtue of an amending instrument,¹³ the supervisory and fact-finding functions exercised under these agreements have continued to be performed within the framework of the United Nations and are referred to in the present summary, together with the procedures envisaged in more recent agreements.

21. The various international agreements concerned provided for the establishment of facts by the following means: the establishment of special international bodies; the submission by States of information and reports to international bodies; and the examination by international bodies of the information supplied by States.

1. Establishment of international bodies with fact-finding functions

22. A number of treaties provide for the establishment of permanent international bodies whose functions include the ascertainment of facts concerning the manufacture of, and trade in, narcotic drugs. The Permanent Central Opium Board was set up under article 19 of the International Opium Convention signed in 1925¹⁴ (subsequently referred to as the 1925 Convention) and, following that, the Drug Supervisory Body, which was set up under article 5, paragraph 6, of the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed on 13 July 1931¹⁵ (subsequently referred to as the 1931 Convention). The latest instrument, the Single Convention on Narcotic Drugs, which was concluded in 1961,¹⁶ (subsequently referred to as the 1961 Convention) and which replaces the foregoing treaties as between States Parties, refers to the Commission on Narcotic Drugs of the Economic and Social Council and establishes an International Narcotics Control Board.

23. As part of the control system introduced by these agreements the various international bodies may receive and evaluate information from Governments in order to determine whether or not the obligations relating to the supervision of the manufacture and disposal of narcotic drugs are being observed. These international bodies may also be authorized to request non-parties to furnish information, in particular where

¹² *Ibid.*, Thirty-ninth Session, Annexes, agenda item 29, document E/4056 and Add.1-3.

¹³ Protocol signed at New York, 11 December 1946, amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague, 23 January 1912, at Geneva, 11 February 1925, 19 February 1925, and 13 July 1931, at Bangkok, 27 November 1931, and at Geneva, 26 June 1936 (United Nations, *Treaty Series*, vol. 12, p. 179).

¹⁴ League of Nations, *Treaty Series*, vol. LXXXI, p. 317.

¹⁵ *Ibid.*, vol. CXXXIX, p. 301.

¹⁶ United Nations, *Treaty Series*, vol. 520, p. 151.

the actions of the State concerned are at variance with a treaty, and to collect information by means of a local inquiry where the local government has given its consent.¹⁷ Independently of these treaty provisions, resolutions of United Nations organs may request States to furnish data; for example, resolution 246 B (IX) of the Economic and Social Council gives the Secretary-General authority, defined in very broad terms, to obtain information regarding narcotic drugs.

2. Submission by States of reports and information to international bodies

24. The international agreements relating to narcotic drugs all provide for the furnishing of information by contracting States. The material concerned ranges from the provision of any information considered relevant by an international control organ¹⁸ to the submission to an international body of an annual report on the working of the particular treaty;¹⁹ the latter constitutes the most regular control procedure.

25. Other provisions require States Parties to furnish specific data regarding drug production figures, national legislation, export and import controls, and so forth.²⁰ In some instances a State Party may be requested to provide the international body with an explanation of its non-compliance with an obligation imposed by the treaty.²¹

3. Examination by international bodies of the information supplied by States

26. The authorization given to international bodies to examine the information received from States may be either general or specific in character. In the case of a general authorization, the international body may be authorized: to examine "any matter" notified by a Party as relating to narcotic drugs and requiring investigation;²² to examine "all matters pertaining to the aims" of the treaty²³ and to examine facts indicating possible breaches of treaty obligations by States Parties

¹⁷ Art. 26, 1925 Convention; art. 2, para. 3, 1931 Convention; art. 8, para. 8, art. 11, para. 1 (d) and art. 13, Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of, Opium, signed on 23 June 1953 (subsequently referred to as the 1953 Convention) (United Nations, *Treaty Series*, vol. 456, p. 3); and art. 13, paras. 2 and 3, and art. 14, para. 1 (a), 1961 Convention.

¹⁸ Thus, art. 18 of the 1961 Convention provides that States parties shall furnish such information as the Commission on Narcotic Drugs may request as being necessary for its functions.

¹⁹ Art. 21, 1931 Convention; art. 16, Convention of 1936 for the Suppression of the Illicit Trade in Dangerous Drugs, 26 June 1936 (subsequently referred to as the 1936 Convention) (League of Nations, *Treaty Series*, vol. CXCVIII, p. 299); art. 10, 1953 Protocol; and art. 18, para. 1 (a), 1961 Convention.

²⁰ Art. X, Agreement concerning the Suppression of the Manufacture of Internal Trade in and Use of, Prepared Opium, 11 February 1925 (League of Nations, *Treaty Series*, vol. LI, p. 337); arts. 21-23 and art. 30, 1925 Convention; arts. 2-5, art. 11, para. 2, art. 13, para. 2 (c), art. 14, para. 1, and arts. 20-23, 1931 Convention; art. 16, Convention of 1936 for the Suppression of the Illicit Trade in Dangerous Drugs (*ibid.*, vol. CXCVIII, p. 299); art. 4, arts. 8-10, art. 19, para. 4, 1953 Protocol; art. 1, Protocol bringing under International Control Drugs outside the Scope of the 1931 Convention, 19 November 1948 (United Nations, *Treaty Series*, vol. 44, p. 277); and art. 12, art. 13, arts. 18-20, art. 25, para. 3, and art. 49, paras. 3 and 4, 1961 Convention.

²¹ Art. 24, para. 1, 1925 Convention; art. 14, para. 3, 1931 Convention; art. 11, para. 1 (a) and (b), 1953 Protocol; and art. 14, para. 1 (a), 1961 Convention.

²² Art. 25 1925 Convention.

²³ Art. 8, 1961 Convention.

or non-compliance with treaty provisions by non-parties.²⁴

27. Where the authorization given is in specific terms it usually relates to statistical data and to information received indicating that exports of narcotic drugs to a particular country are in excess of the limit established under the agreement.²⁵

C. TRUST TERRITORIES AND NON-SELF-GOVERNING TERRITORIES

28. The Charter of the United Nations distinguishes between two types of dependencies: Non-Self-Governing Territories, referred to in Chapter XI, and Trust Territories, dealt with in Chapters XII and XIII. The provisions of the Charter, the Trusteeship Agreements with the Administering Authorities and the General Assembly resolutions concerning Non-Self-Governing Territories, define the objectives of the United Nations system of decolonization as well as the powers and functions of the Trusteeship Council and of the various committees dealing with Non-Self-Governing Territories. The following account attempts to summarize the methods of fact-finding used by these bodies in order to obtain information regarding the Territories in question.

1. Trust Territories

29. The Trusteeship Council exercises supervisory functions over Trust Territories as laid down in Articles 83, 85, 87 and 88 of the Charter. The machinery which has been used for supervisory purposes includes the following: the consideration of annual reports submitted by the Administering Authority; the examination of petitions and the dispatch of special missions; periodic visits by visiting missions; and the dispatch of plebiscite and similar commissions. Each of these methods involves to a greater or lesser extent the ascertainment of facts, on a basis of which the Trusteeship Council may fulfil its responsibilities.

(a) Consideration of the annual reports submitted by the Administering Authorities

30. In answer to a detailed questionnaire sent by the Trusteeship Council, each Administering Authority submits a report each year on political, economic, social and educational conditions in the Trust Territory. When the Trusteeship Council considers the particular Territory a representative of the Administering Authority makes an opening statement and replies to questions by Council members. The report of the Visiting Mission and petitions concerning general conditions in the Territory are considered along with the report of the Administering Authority. Following the debate and a closing statement made by the representative of the Administering Authority, the Council adopts its conclusions and recommendations, which form part of the Council's annual reports to the General Assembly and the Security Council.

31. The FAO, the ILO, UNESCO and WHO participate in the work of the Council when necessary and frequently submit written observations on the annual reports of the Administering Authorities. In 1964

an expert mission appointed by the International Bank for Reconstruction and Development investigated economic and social conditions in New Guinea and Papua, at the request of the Government of Australia, and submitted a report.

(b) Examination of petitions and the dispatch of special missions

32. Rule 85 of the rules of procedure of the Trusteeship Council classifies petitions into two main categories: specific petitions containing requests, complaints or grievances and seeking action by the Council; and petitions dealing with general conditions in, and general problems of, the Territory. The Administering Authority concerned is invited to submit observations or comments regarding petitions in the former category. The Council²⁶ examines these petitions individually, in the light of the comments made, and normally adopts a resolution on each. Petitions in the general category are considered together with the annual reports. Both the petitioner and the Administering Authority are informed by the Secretariat of the action taken by the Council.

33. Two examples of the dispatch of fact-finding missions to Trust Territories to investigate allegations contained in petitions may be noted. In 1947, following the receipt of a petition requesting that self-government be established, a special visiting mission was sent to Western Samoa, with the consent of the Administering Authority, in order to investigate the political organization and social structure of the Territory. Secondly, in 1965 the Council examined a petition concerning public health services in the Trust Territory of the Pacific Islands. The Council invited WHO to investigate the complaints made; the report of the mission which visited the Territory will be considered by the Trusteeship Council at its next session.

(c) Periodic visits by visiting missions

34. As provided by Article 87 (c) of the Charter, the Trusteeship Council may arrange for "periodic visits" to be made to the various Trust Territories. Since the original Trust Territories were located in three geographic areas (East Africa, West Africa and the Pacific), it was considered that the most suitable course would be to send a Visiting Mission annually to one of the regions, and thus to visit each Territory every three years; the triennial cycle of visiting missions has continued.

35. These missions have been composed of the nationals of four Council members and have reflected the principle of equal representation between administering and non-administering States. For the duration of the visit the members of visiting missions are responsible exclusively to the Council and act on the basis of its instructions. In the course of its tour of the Territory the visiting mission may meet officials of the Administering Authority and hold public or private meetings in order to learn the views of the inhabitants. The report of the visiting mission and any written comments made regarding it by the Administering Authority are considered together with the annual report.

²⁴ Art. 11, para. 1, art. 12, para. 2, and art. 13, 1953 Protocol; and art. 14, para. 1, 1961 Convention.

²⁵ Arts. 22 and 23, 1925 Convention; art. 5, para. 6, and art. 14, paras. 1-3, 1931 Convention; art. 8, paras. 7 and 11, 1953 Protocol; art. 12, para. 4, art. 13, para. 2, art. 21, paras. 3 and 4, and art. 24, para. 2, 1961 Convention.

²⁶ Between 1952 and 1962 there was a Standing Committee which examined all petitions received from inhabitants of Trust Territories. As the majority of such Territories have achieved independence the number of petitions has declined and since 1962 the Council itself has considered all petitions.

(d) *Dispatch of plebiscite and similar commissions*

36. The Trusteeship Council may direct a visiting mission to report on the method of consultation to be followed when the time comes for the inhabitants of the Territory to express their wishes about their future form of government; this was done in the case of British Togoland, British Cameroons and Western Samoa. In each of these instances the United Nations conducted plebiscites, in agreement with the Administering Authorities concerned. The United Nations also supervised elections and the referendum in French Togoland and in Ruanda-Urundi, which led to the termination of the Trusteeship Agreements.

2. *Non-Self-Governing Territories*

37. Under Article 73 e of Chapter XI of the Charter eight Member States undertook in 1946 to transmit to the Secretary-General information on conditions in seventy-four Non-Self-Governing Territories under their administration. For the guidance of these States, in resolution 142 (II) the General Assembly adopted a standard form dividing items of information under four main headings: general information (including government), and social, educational and economic conditions. In 1949 the Committee on Information was established, composed of eight administering and eight non-administering Member States to assist the General Assembly by examining the information provided and by assessing the progress made towards self-government. Following the establishment 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, consisting of twenty-four members, the General Assembly decided in resolution 1970 (XVIII), adopted on 16 December 1963, to dissolve the Committee on Information and to request the Special Committee to study the information transmitted by the administering States. Two other Committees which were set up by the General Assembly in order to secure the co-operation of the administering States in the fulfilment of their Charter obligations, the Special Committee for South West Africa and the Special Committee on Territories under Portuguese Administration, were dissolved by resolutions 1806 (XVII) and 1809 (XVII) and their functions, including those of fact-finding, transferred to the Special Committee of Twenty-four which has become the only body responsible for matters relating to all dependent Territories.

(a) *Special Committee of Twenty-four*

38. In resolution 1514 (XV) of 14 December 1960, the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples. At the following session the Assembly adopted resolution 1654 (XVI), in which it called upon all States administering Trust and Non-Self-Governing Territories to implement the Declaration and established a Special Committee, consisting of seventeen members, which was charged with studying the application of the Declaration. In resolution 1810 (XVII) of 17 December 1962, the General Assembly decided to increase the membership of the Special Committee to twenty-four and invited it to continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all dependent territories. The Special Committee is composed of three administering States (Australia, the United Kingdom and the United States)

and twenty-one non-administering States.²⁷ The various subsidiary bodies which have been set up by the Special Committee also contain a majority of non-administering States.

39. At its initial meetings the Special Committee discussed its methods of work and procedure and the administering States made reservations regarding the hearing of petitioners and the dispatch of visiting missions. As Article 73 of the Charter contains no provision for the hearing of petitioners or the dispatch of visiting missions, they maintained that these matters should not be considered without the consent or co-operation of the administering State. The methods and procedure which the Special Committee agreed to adopt in performing its task include: the collection of information; the examination of petitions and hearing of petitioners; and the dispatch of visiting groups.

(i) *Collection of information*

40. On the instructions of the Special Committee the Secretariat has collected and submitted information on the dependent Territories, including the information transmitted under Article 73 e. In order to assist in the submission of information by the administering States a questionnaire drawn up by a sub-committee was addressed to them, but so far no information had been furnished on the basis of this questionnaire. The working papers prepared by the Secretariat are included as supplementary information in the annual report of the Special Committee to the General Assembly.

41. In co-operation with the Secretary-General and the specialized agencies the Special Committee has made two special studies: one concerned the activities of the mining industry and of international companies having interests in South West Africa, and the other the influence of foreign economic and other interests on the implementation in the Territories under Portuguese administration of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

(ii) *Examination of petitions and hearing of petitioners*

42. In order to acquire further information the Special Committee receives written petitions and hears petitioners. With the assistance of its Sub-Committee on Petitions, the Special Committee received over 1,000 communications between 1962 and 1965, including some 140 requests for hearings, and examined over 400 petitions. The large majority of these communications originated in Africa. The figures for 1965 were: 197 communications, including 36 requests for hearings; 188 communications circulated as petitions; and 27 hearings (4 at Headquarters and 23 in Africa).

(iii) *Dispatch of visiting groups*

43. The dispatch of visiting groups to various Territories has been regarded by the Committee as one of the means to be employed to enable it to fulfil its responsibilities, although it has recognized the limitations of this procedure and the need for securing the co-operation of the administering State concerned. In 1962, 1963 and 1964, the Sub-Committee on Southern Rhodesia visited London in order to discuss the affairs

²⁷ The twenty-one non-administering States are: Afghanistan, Bulgaria, Chile, Denmark, Ethiopia, India, Iran, Iraq, Italy, Ivory Coast, Madagascar, Mali, Poland, Sierra Leone, Syria, Tunisia, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Venezuela and Yugoslavia.

of that Territory with the United Kingdom Government. The Sub-Committee on Aden, which was denied permission to enter the Territory by the administering State, visited the neighbouring countries in 1963 and 1964 and conducted hearings there. The Sub-Committee on British Guiana was also denied entry to the Territory.

44. In 1965, however, two visiting groups were sent, with the consent of the administering States, to four Territories. One group visited Basutoland, Bechuanaland and Swaziland and held discussions with the local administration, members of political parties and individuals, regarding economic conditions in those Territories. In its report the group emphasized the need for economic development in, and financial and technical assistance to, the Territories. Upon the recommendation of the Special Committee, the General Assembly decided, in resolution 2063 (XX) of 16 December 1965, to establish a fund for the economic development of these Territories by means of voluntary contributions. Secondly, following a recommendation made by the Special Committee, in resolution 2005 (XIX) of 18 February 1965, the Assembly authorized the supervision by the United Nations of the elections in the Cook Islands and requested the Secretary-General to appoint a United Nations representative. Following the elections and in the light of the report of the United Nations representative, the Assembly decided in resolution 2064 (XX) of 16 December 1965, that the transmission of information in respect of the Cook Islands was no longer necessary.

II. Fact-finding conducted by the specialized agencies and the International Atomic Energy Agency with respect to the execution of international agreements

A. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

45. The methods of fact-finding employed within the framework of FAO may be divided according to whether they relate to the reports submitted by member nations and associate nations in accordance with the FAO Constitution, or to the obligations imposed under conventions and agreements concluded under the auspices of FAO.

1. Reports required under the FAO Constitution

46. In execution of an undertaking laid down in the preamble of the Constitution whereby "Members will report to one another on the measures taken and the progress achieved", member nations and associate members of FAO are required, under article XI-1 of the Constitution, to

"communicate periodically to the Organization reports on the progress made towards achieving the purpose of the Organization set forth in the Preamble, and on the action taken on the basis of recommendations made and conventions submitted by the Conference".

47. Under paragraph 4 of the same article, the Director-General of FAO is authorized to request additional information "relating to the purpose of the Organization", while under paragraph 5, member nations and associate members may be required to communicate all laws and regulations, as well as official reports and statistics, concerning nutrition, food and agriculture.

48. Member nations and associate members have submitted reports in accordance with these provisions. Owing to the increased membership and expanding activities of the organization, however, the submission of periodic reports has tended to become irregular in recent years. The Governing Bodies of FAO have therefore decided that the question of the form and content of these reports should be reviewed, prior to a decision by the FAO Conference as to the practice to be followed in the future.

2. Fact-finding in relation to conventions and agreements concluded under the auspices of FAO

49. Twelve conventions and agreements have so far been concluded under the auspices of FAO in pursuance of articles XIV and XV of the Constitution. Most of the conventions and agreements concluded under article XIV²⁸ make provision for the establishment of a body (council, commission or committee) to meet at regular intervals. Such meetings provide an opportunity for exchanging information on the various problems arising in connexion with the implementation of the convention or agreement concerned and enable the organization to ascertain factual data, on the basis of reports presented by official delegations, on occasions supplemented by documents and verbal information given to the secretary, who is in each case a staff member of FAO. Furthermore, bodies established under article XIV of the Constitution are required, under specific provisions contained in the relevant conventions and agreements, to transmit reports and recommendations to the Director-General who, in turn, brings to the attention of the FAO Conference any recommendations having policy, programme or financial implications; as a rule, the integral text of reports of such bodies is made available to the appropriate Governing Bodies of FAO, and thus circulated to all member Governments. While the majority of the international instruments concerned in fact contain relatively few provisions which impose specific obligations on the contracting parties, in some instances the bodies created under these agreements are empowered to address recommendations to member Governments, and the Director-General is authorized to follow up the implementation of such recommendations.

50. In so far as certain agreements make provision for the adoption of emergency measures in the event of outbreaks of animal diseases, plant diseases and pests, and desert locust infestations, reliance is placed on the State reporting on the emergency for its evaluation of

²⁸ Article XIV, paras. 1-3, provides as follows:

"1. The Conference may by a two-thirds majority of the votes cast approve and submit to Member Nations conventions or agreements concerning questions relating to food and agriculture [which] shall come into force for each Member Nation only after acceptance by it in accordance with its constitutional procedure.

"2. The Council may, under rules to be made by the Conference, approve and submit to Member Nations regulations or supplementary agreements designed to implement any general convention or agreement which has come into force under paragraph 1. Any such regulations or supplementary agreements shall come into force for each Member Nation only after acceptance by it in accordance with its constitutional procedure.

"3. The Conference shall make rules laying down the procedure to be followed to secure proper consultation with governments and adequate technical preparations prior to consideration by the Conference or the Council of proposed conventions and agreements."

the situation, and no special fact-finding procedures have been established.

51. Other conventions and agreements contain provisions requiring the contracting parties to establish national institutions or authorities for dealing with the programmes and activities which form the subject matter of the convention or agreement, or to designate existing national institutes or authorities for this purpose. Examples include the national poplar commission established under the International Poplar Convention,²⁹ and the national plant protection organizations established under the International Plant Protection Convention.³⁰ In each of these cases States Parties are required to transmit a description of the competence and scope of a national commission or organization to the Director-General who, in turn, circulates this information to the other members of the commission. This method makes it possible for the Director-General and the States Parties to ascertain the fulfilment of this treaty obligation by the other Parties. Direct communications are frequently exchanged moreover between the national commissions and organizations, without recourse to diplomatic channels, and copies transmitted to the FAO secretariat for its information.

52. Provisions of a directly regulatory nature are contained in only three conventions and agreements, namely the International Plant Protection Convention, the Plant Protection Agreement for South-East Asia and the Pacific Region,³¹ and the Constitution of the European Commission for the Control of Foot and Mouth Disease.³²

(a) *International Plant Protection Convention*

53. The Convention prescribes the establishment of an official plant protection organization by each Party and outlines the powers to be conferred on such organizations. States Parties are required to issue phytosanitary certificates and to maintain the prescribed control over imports. Safeguards for the observance of these regulatory measures are only provided in so far as States Parties will find it difficult to participate in any trade or exchange of plants falling within the scope of the Convention unless they adhere to the regulatory provisions set forth therein. Information available to FAO indicates that the standards set by the Convention are largely followed by a number of countries that are not parties to the Convention.

(b) *Plant Protection Agreement for South-East Asia and the Pacific Region*

54. The Agreement which, by virtue of its preamble, is considered "a supplementary Agreement under Article III of the International Plant Protection Convention" makes provision for specific measures to exclude the South American leaf blight of Hevea and to enable the Plant Protection Committee, established under the Agreement, to adopt stricter standards than those established by the Plant Protection Convention for both the importation of plants from outside the region and the movement of plants within the region. To a large extent, the methods of ascertaining the compliance of the Parties with the regulatory provisions contained in the Agreement, or adopted by the Plant Protection Committee, are similar to those described above with

respect to the Plant Protection Convention, but the existence of a Committee provides some additional opportunities for both FAO and member Governments to ascertain the practice followed by the various States in the implementation of the Agreement.

(c) *Constitution of the European Commission for the Control of Foot and Mouth Disease*

55. Under the Constitution of the European Commission for the Control of Foot and Mouth Disease, members of the Commission undertake to adopt specific measures (slaughter policy, immunization and vaccination, slaughter together with vaccination) and to make arrangements for the typing of virus as required by the Commission. States members are required to notify the Commission immediately of the results of such typing and to provide the Commission with any other information it may need to carry out its functions. Measures for the control of foot and mouth disease, as contemplated in the Constitution of the Commission, cannot in practice be carried out without the adoption at the national level of appropriate legislative, regulatory and administrative measures. Documentary evidence relating to such measures is communicated to the secretariat of the Commission.

B. INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

56. The methods of fact-finding employed by the IAEA concern either the operation of the IAEA safeguards system or the maintenance of the health and safety measures set by the Agency.

1. *IAEA safeguards system*

57. Under sub-paragraph A.5 of article III of its Statute, IAEA is authorized to

"establish and administer safeguards designed to ensure that special fissionable and other material, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose;"

Article XII A sets out the rights and responsibilities of the IAEA with respect to any project or arrangement which it is to safeguard. These responsibilities include the right to review the design of principal nuclear facilities and to arrange for the keeping of records and the submission of records. In addition the IAEA may send inspectors into the territory of a recipient State, with broad rights of access, in order

"as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose... and with any other conditions prescribed in the agreement between the Agency and the State or States concerned".

58. In pursuance of these provisions a series of detailed guide-lines have been laid down in a document entitled "The Agency's Safeguards System (1965)",³³ approved by the IAEA Board of Governors on 28 September 1965. Several safeguards agreements have been concluded with individual member States incorporating these proposals. Under the safeguards system the Agency may inspect safeguarded nuclear materials and principal nuclear facilities in order to

²⁹ United Nations, *Treaty Series*, vol. 410, p. 155.

³⁰ *Ibid.*, vol. 150, p. 67.

³¹ *Ibid.*, vol. 247, p. 400.

³² *Ibid.*, vol. 191, p. 285.

³³ IAEA document INFCIRC/66, dated 3 December 1965.

verify compliance with safeguards agreements. In the case of inspections these may be either routine, initial or special in character. Routine inspections include the audit of records and reports; the verification of the amount of safeguarded nuclear material by physical inspection, measurement and sampling; the examination of principal nuclear facilities; and the checking of the operations carried out at principal nuclear facilities and at research and development facilities containing safeguarded nuclear material. Initial inspections of principal nuclear facilities are intended to verify that the construction of these facilities is in accordance with the design previously reviewed by the Agency. Special inspections may be conducted where any report or other source of information suggests this may be necessary.

59. The inspectors form part of the staff of IAEA. The State in which the material or installation to be inspected is situated is informed in advance of the designation of an inspector and of the place and approximate time of his arrival.³⁴ In accordance with the Agency's safeguards system inspectors must be granted rights of access and of inspection of all relevant facilities and records.

60. The State concerned is also required to submit periodic reports regarding the operation of the facilities and the use of the materials in question.

2. IAEA health and safety measures

61. The fact-finding responsibilities of the IAEA in regard to health and safety standards and measures are provided for in article III.A.6 and Article XII.A.2 and A.6 of the IAEA Statute. In a document entitled "The Agency's Health and Safety Measures",³⁵ which was approved by the Board of Governors on 31 March 1960, and which is referred to in all relevant project agreements concluded between IAEA with member States, the conditions of application of these measures are defined. The States concerned are required to make annual reports listing cases of the radiation exposure of persons in excess of the applied safety standards, the types and amounts of radio-active waste disposed of, and a statement of the mode of disposal. The State is also required to conduct supervisory examinations and to notify IAEA in the event of a major incident. IAEA may require the State to supply it with the information necessary to evaluate potential radiation hazards, details of the design and operation of facilities and of the proposed system of administration. IAEA inspectors may evaluate operations to ensure that satisfactory radiation levels are maintained; the inspections conducted deal chiefly with tests of radiation sources, examination of facilities where radiation sources are stored, and evaluation of the extent of radiation exposure of persons.

C. INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

62. The Convention on International Civil Aviation, which is the constituent instrument of the organization, entrusts a number of functions to the Council of ICAO which may include that of conducting inquiries into the pertinent facts in order to ascertain whether States are observing the particular obligations concerned (see articles 15, 54 (j) and (k), 55 (e), 69 and

84). Article II, section 1, of the International Air Services Transit Agreement gives further inquiry functions to the Council.

63. As regards methods of fact-finding, apart from the particular case of the provisions of article 69, which is dealt with below, it is left to the initiative of the State alleging that another State is acting in breach of its obligations under the Convention or other agreement to present documentary or other evidence before the Council, or a Committee of the Council, to establish the facts. The respondent State may then similarly furnish evidence, usually in the shape of documents, although oral evidence is not excluded.

1. Air navigation facilities

64. Article 69 of the Convention provides that if the Council is of the opinion that the airports or other air navigation facilities of a contracting State are not reasonably adequate for the safe, regular, efficient and economical operation of international air services, the Council shall consult with the State directly concerned and the other States affected, with a view to finding means of remedying the situation. A special body, called the Implementation Panel, was established under a resolution of the Assembly of ICAO adopted in 1956, composed of persons serving in their independent capacity, in order to observe the implementation of this provision. The main functions of the Panel are to consider whether the plans approved for different regions in relation to the operation of air navigation services are being adequately implemented by the member States concerned and, where necessary, to consult with States in order to assist and encourage them to meet their responsibilities under article 28 of the Convention, regarding the provision of air navigation facilities and services up to the prescribed standards. The Panel or its members undertake missions to different regions and submit reports and recommendations to the Council.

D. INTERNATIONAL LABOUR ORGANISATION (ILO)

65. The ILO has developed a series of procedures since its creation in 1919 for measuring the extent of observance of the conventions and recommendations adopted by the organization.³⁶ The methods employed may be divided according to whether they relate to the system of periodic supervision of the reports of States members or to the steps taken following the receipt of particular complaints alleging the non-observance of an ILO convention or recommendation.

1. Periodic supervision of the reports made by member States

66. The system of periodic supervision operates on the basis of reports requested from member States regarding the measures they have taken to give effect to conventions and recommendations. The basis for this system, as far as ratified conventions are concerned, is provided by the obligation, laid down in article 22 of the Constitution of the ILO, requiring States which have ratified conventions to make an annual report on the measures taken to give effect to them. These reports are required to contain detailed information on the relevant national laws and regulations and on the steps adopted to ensure the practical application of the

³⁴ Details of the method of designation and notification are given in "The Agency's Inspectorate" IAEA document GC(V)INF/39, dated 28 August 1961.

³⁵ IAEA document INF/CIRC/18, dated 31 May 1960.

³⁶ For a more detailed review of the organization and procedure for the implementation of ILO conventions and recommendations, see *Official Records of the Economic and Social Council, Fortieth Session, Annexes*, agenda item 9, document E/4144.

particular convention. Member States are required under the Constitution to communicate copies of their reports to the representative organizations of employers and workers in their country. These organizations may make observations on the application of the provisions of a convention, and States are requested to supply information in their reports on any such observations received and to add any comments that they consider useful.

67. The reports of Governments are submitted consecutively to two distinct procedures, both of which verify the conformity of national laws and regulations with the terms of the conventions, as well as their application in practice. First, the reports come before the Committee of Experts on the Application of Conventions and Recommendations, which is composed of nineteen eminently qualified independent and impartial persons appointed in their personal capacity by the Governing Body of the ILO on the proposal of the Director-General. The Committee, in addition to the reports supplied by Governments, consults official journals, compilations of legislation, any other information available to the ILO on the practical application of the convention and recommendations, and data contained in such comments as may have been made by employers' and workers' organizations. The report of the Committee is communicated to Governments and presented to the ILO Conference.

68. Secondly, the ILO Conference Committee on the Application of Conventions and Recommendations considers a summary of the reports made by Governments and the observations of the Committee of Experts. The Governments concerned are invited to participate in the meetings of the Committee; employers' and workers' representatives may also express their views on the manner in which conventions are applied in their own or other countries. The Committee submits a report to the ILO Conference, for its approval in plenary session.

2. Procedures based on the presentation of complaints

(a) Representations and complaints concerning non-observance of ratified conventions

(i) Representation

69. Articles 24 and 25 of the Constitution of the ILO provide for a procedure under which employers' or workers' organizations may make a representation that one of the "Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party". Any such representation is brought before the Governing Body of the ILO and is examined initially by a Committee composed of three members of the Governing Body, chosen respectively from government, employers' and workers' representatives. Under the Constitution, the Governing Body may communicate the representation to the Government concerned and may "invite that Government to make such statement on the subject as it may think fit"; this is in fact done whenever a representation is found to be receivable. Under the relevant Standing Orders, the Governing Body may ask for further information from the organization submitting the representation; the conclusions of the Governing Body are thus essentially based on material supplied by the "parties". At the same time, recourse may also be had to information derived from the procedures of periodic supervision of the particular convention, from official

journals, compilations of legislation, and from similar sources.

(ii) Complaints

70. Article 26 and following of the Constitution provide for the handling of complaints, whether made by a member State or by the Governing Body, alleging that a particular member State has failed to secure the effective observance of a ratified convention. The Governing Body may make such a complaint either of its own motion or upon receipt of a complaint from a delegate to the conference. The Governing Body may then either communicate with the Government concerned in the same manner as in the case of a representation, or, if this is not deemed necessary or if no satisfactory reply has been received within a reasonable time, may appoint a Commission of Inquiry to examine the matter. Member States are required by article 27 of the Constitution to place all information in their possession which bears upon the subject-matter of the complaint at the disposal of the Commission of Inquiry. The Commission prepares a report embodying its findings on all factual matters relevant to determining the issue between the parties and containing such recommendations as it may think proper.

71. This complaints procedure has only come into effective operation in the last five years, during which there have been two cases and in each of which a Commission of Inquiry was established. The members of the Commissions were chosen in a personal capacity and made a solemn declaration in the same terms as that of the Judges of the International Court of Justice. The Commissions requested information from the parties concerned, from the Governments of neighbouring countries, from the Governments of countries which had important economic relations with the parties concerned and from certain non-governmental organizations. After considering this documentary material, both Commissions took evidence from witnesses in formal hearings in Geneva. Some of the witnesses were heard at the request of the parties, whereas the attendance of others was arranged at the request of the Commission itself by the Government against which the complaint had been made. In one of the two cases, the Commission made an on-the-spot visit and travelled extensively in order to supplement the formal evidence by information gathered directly from workers, directors and employees of undertakings, officials and others. The recommendations based on the findings of fact so arrived at were in each case accepted by the parties concerned.⁸⁷

(b) Special procedure relating to freedom of association

72. In 1950 the Governing Body of the ILO set up a specific procedure for complaints alleging interference with freedom of association presented either by Governments or by employers' or workers' organizations. Such complaints may be presented even against States which are not formally bound by the conventions relating to freedom of association.

73. Complaints may be submitted, in the first place, to the Governing Body Committee on Freedom of Association, a body composed of representatives of Governments, employers and workers. No representative or national of the State against which a complaint has been made, nor any person occupying an official position

⁸⁷ The reports of the two Commissions were published in the ILO *Official Bulletin*, vol. XLV, No. 2, April 1962, supplement II, and vol. XLVI, No. 2, April 1963, supplement II.

in the national association of employers or workers which has made the complaint, may participate in the Committee's deliberations or be present thereat. As a general rule, the Committee examines complaints on the basis of written documents (on the one hand, complaints, and on the other, observations of the Governments concerned, who are given every opportunity to comment on complaints). There have, however, been cases in which the Committee has also had before it the report of an on-the-spot mission made by a representative of the Director-General (an independent person of high legal standing appointed for the purpose), who had been sent at the request of the Government concerned with a view to establishing the relevant facts. Most complaints are disposed of by the Governing Body on the basis of the report of the Committee, which may conclude that no further action is called for, or that certain suggestions should be made to the Government concerned.

74. Complaints may, however, be submitted in the second place to the Fact-Finding and Conciliation Commission on Freedom of Association, a body of ten independent members set up in 1950 in agreement with the Economic and Social Council of the United Nations. The Commission may work in panels of between three and five members. As a rule no case may be submitted to the Commission without the consent of the Government concerned. In the one case which has been completed by the Commission to date, the procedure followed was analogous to that of the Commissions of Inquiry referred to above. There were formal hearings of witnesses and an on-the-spot visit.³⁸

75. Virtually all the procedures described above, which in many respects are complementary, make use of bodies composed of independent members working in accordance with quasi-judicial principles. This is designed both to ensure an objective examination of the facts and to secure the confidence and co-operation of all concerned. The various procedures employed have, in particular, obtained the full co-operation of the Governments concerned, without which it would be difficult to ascertain the relevant facts with a sufficient degree of certainty.

E. INTERNATIONAL TELECOMMUNICATION UNION (ITU)

76. The fact-finding activities of the ITU are concentrated on the functions of the organization with respect to the use and administration of radio frequencies. The obligations of member States and the procedures for consultation and co-ordination regarding radio frequencies are defined in the Radio Regulations, which form an integral part of the Convention adopted by each International Telecommunication Conference. These Regulations are established and revised by the administrations of member States in the course of administrative conferences.

1. List of international frequencies and the International Frequency Registration Board

77. Since 1928 the ITU has published a list of international frequencies giving the technical characteristics of broadcasting stations, upon notification from the States having jurisdiction over the stations in question. In 1948 the International Frequency Registra-

tion Board was set up at the headquarters of the ITU, in order to keep the list up to date. Whilst lacking any direct powers over States, the task of the Board is to mediate between States and to co-ordinate their proposals so as to avoid interference between stations and, where interference does occur, to make proposals for reducing or avoiding such interference in the future.

2. Legal aspect of the use of frequencies

78. Whenever a country notifies the International Frequency Registration Board that a particular station has been assigned a frequency, it is necessary for the Board to make a technical evaluation of the probability that the station will be subject to interference from stations already in service. According to the results of its examination, the Board reaches a conclusion, favourable or unfavourable, which is inscribed in the list at the time when the name of the station is itself included. On a basis of technical facts these conclusions provide countries with a right to protection against interference, or at least a right to international recognition and the duty to respect the corresponding rights of others. These rights and duties are invoked by States when a case of interference arises.

3. Inquiries regarding the use of frequencies

79. The Radio Regulations contain a procedure whereby, in order that the list of international frequencies may reflect the actual situation regarding the utilization of frequencies, the International Frequency Registration Board can open an inquiry in certain cases. For example, if upon its evaluation of the probability of interference the Board reaches an unfavourable conclusion with regard to a notification, the country making the notification can submit a claim that it has operated the station in question for at least sixty days without having received a complaint of interference. In such a case the Board informs the administrations in whose jurisdiction stations are in operation, according to the list of international frequencies, and which should, according to the technical evaluation, be suffering from interference. In this way the Board is informed, through the collaboration of the countries concerned, of what the exact situation is as regards the frequencies, and the list of international frequencies can be modified accordingly. A similar method is used when the Board, on a basis of the information available to it, has grounds for thinking that the utilization of a frequency is not in accordance with notified characteristics.

4. Regulation in case of interference

80. In the event of interference the Board is charged with the task of intervening when direct consultations between the countries concerned are not possible or have not led to a satisfactory solution. A procedure is laid down in the Radio Regulations whereby administrations not forming a party to the dispute can be requested to co-operate in order to determine the origin and characteristics of particular interference and to establish responsibility therefor.

5. International control of broadcasts

81. This control ensures both that stations send their signals on the frequency and with the characteristics which have been notified and that there is no danger of interference with stations operating on adjacent frequencies. The control exercised also makes it possible to discover the locality of stations where, on

³⁸ See ILO, *Official Bulletin*, vol. XLIX, No. 1, January 1966, special supplement.

the basis of messages sent, it has not been easy to determine their nationality.

82. Besides taking the necessary measures to maintain their own facilities in good order, States exercise the control measures which the Board or other countries may ask them to perform; they communicate the results of the observations made by their control centres to the Board, which in turn examines and co-ordinates them, and periodically publishes them in the form of *résumés* for the use of States. ITU administrative conferences have requested the Board to establish control programmes regarding broadcasts on certain frequencies, for example, frequency bands attributed solely to air services. When results of these control programmes have been obtained, the Board makes representation to the countries in whose jurisdiction the offending stations are operating.

6. *International inspection of mobile radio-electric stations*

83. In accordance with the Radio Regulations, all mobile stations and their operators must receive a government licence. When a vehicle, plane or ship carrying a mobile station enters another country, the authorities of that country can demand the production of these licences or operator's certificates. If these documents are not produced, the authorities may inspect the station in order to ensure that the Radio Regulations are being observed. The country of origin is immediately informed of the position, as determined by the authorities of the second country, and of any measures taken. The form of the report of any violation of the Radio Regulations is defined in the Regulations themselves.

F. UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

84. The most widespread method of fact-finding used in connexion with conventions and agreements sponsored by UNESCO is that of reporting. In a few instances, however, conventions adopted under the auspices of UNESCO provide for systems of fact-finding which go beyond the reporting method.

1. *Recommendations and conventions adopted by the UNESCO General Conference*

85. Under article VIII of the UNESCO Constitution member States are under an obligation to report periodically to the organization "on the action taken upon the recommendations and conventions" adopted by the General Conference. Regulations adopted in 1950 to implement this provision provide that initial reports relating to any convention or recommendation shall be transmitted not less than two months prior to the first ordinary session of the General Conference following that at which the pertinent convention or recommendation was adopted. Under a resolution of the General Conference, initial special reports must contain information on the following points: whether the convention or the recommendation has been submitted to the competent authorities; what these competent authorities are; whether any steps have been taken by these authorities; and the nature of these steps.

86. Additional reports, giving any further information which may be necessary, have been requested in only one instance, regarding the application of the Convention and Recommendation against Discrimination in

Education.³⁹ Detailed questionnaires were sent to member States and reports are to be submitted by April 1966. They are to be examined by a special committee of the Executive Board of UNESCO and will be transmitted, together with the comments of the Board and an analysis by the UNESCO secretariat, to the fourteenth session of the General Conference, to be held in October 1966.

2. *Conventions adopted by conferences convened under the auspices of UNESCO*

87. These conventions generally contain provisions requesting contracting States (and not, therefore, all member States, as in the case of conventions adopted by the UNESCO General Conference) to report on their application. In a few cases, however, conventions adopted by conferences convened by UNESCO have provided for more elaborate methods of fact-finding. Thus the Convention for the Protection of Cultural Property in the Event of Armed Conflict⁴⁰ relies for the execution of its provisions on the fact-finding attributions recognized to the protecting Powers of the parties to a conflict. Delegates of the protecting Powers are entitled to investigate, with the approval of the party to which they are accredited, the circumstances in which violations of the Convention have occurred. The Commissioner-General for cultural property, appointed by agreement between the party to which he will be accredited and the protecting Powers acting on behalf of the opposing parties, has the right, with the agreement of the party to which he is accredited, to order an investigation or to conduct one himself. Whenever he considers it necessary, the Commissioner-General may propose for the approval of the party to which he is accredited an inspector of cultural property to be charged with a specific fact-finding mission. Experts may also be appointed for the same purposes.

88. In another case, the Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, gives certain fact-finding powers to the Commission. The Commission may call upon the States concerned to supply any relevant information and, after obtaining all the information it thinks necessary, ascertain the facts and makes available its good offices to the States concerned. Reports drawn up by the Commission must contain a statement of the facts thus obtained.

G. WORLD HEALTH ORGANIZATION (WHO)

89. The most important of the international agreements sponsored by WHO as regards methods of fact-finding are the International Sanitary Regulations,⁴¹ adopted by the Fourth World Health Assembly in 1951, in accordance with article 21, paragraph (a), of the WHO Constitution. Certain provisions of these Regulations require member States to provide information so as to enable WHO to determine whether the measures taken are in conformity with the Regulations. Thus, article 8 of the Regulations requires States to furnish information on their vaccination requirements and on the measures applied to persons arriving from infected local areas. Article 13 obliges States to report

³⁹ United Nations, *Treaty Series*, vol. 429, p. 93.

⁴⁰ *Ibid.*, vol. 249, p. 215.

⁴¹ *Ibid.*, vol. 175, p. 215.

annually regarding the occurrence of any case of a quarantinable disease due to, or carried by, international traffic, as well as action taken under the International Sanitary Regulations or bearing upon their application. On the basis of the information provided by States, as well as any other official information, WHO prepares an annual report on the functioning of the Regulations and on their effect on international traffic, which is reviewed by the Committee on International Quarantine and by the World Health Assembly, thus permitting a check to be made upon the compliance of States with the provisions of the Regulations.

90. It may be noted that information regarding the compliance of a State with the Regulations is also made available to WHO by other States, international carriers, and even by travellers coming from the State in question. An investigation, usually by correspondence with the State concerned, is made where it is necessary to clarify the situation and to obtain withdrawal of measures not permitted by the Regulations. The settlement of any dispute is the responsibility of the Director-General, in accordance with article 112 of the Regulations.

III. Fact-finding conducted by other international bodies with respect to the execution of international agreements

A. ANTARCTICA TREATY

91. By a Treaty signed at Washington on 1 December 1959,⁴² the twelve signatory States agreed that Antarctica should be used for peaceful purposes only. To ensure compliance with the Treaty signatory States may appoint observers having wide inspection powers and must inform one another of their activities in the Antarctic. Article VII of the Treaty provides as follows:

"1. In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

"2. Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

"3. All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

"4. Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

"5. Each Contracting Party shall, at the time when the present Treaty enters into force for it,

inform the other Contracting Parties, and thereafter shall give them notice in advance, of

"(a) All expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;

"(b) All stations in Antarctica occupied by its nationals; and

"(c) Any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article 1 of the present Treaty."

92. Article IX provides that representatives of the contracting States shall meet "at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty". The "measures" listed include "facilitation of the exercise of the rights of inspection". Three meetings of governmental representatives have been held, in Canberra, Buenos Aires and Brussels, in 1961, 1962 and 1964, respectively; recommendations concerning the operation of the Treaty were subsequently submitted to the contracting States.⁴³

B. BENELUX ECONOMIC UNION

93. The methods of observing compliance with the decisions taken under the Treaty establishing the Benelux Economic Union⁴⁴ and the conventions concluded with a view to attaining the objectives of the Union may be divided according to whether the control exercised is executive, parliamentary or jurisdictional in character.

1. Exercise of executive control

94. By virtue of article 30 (c) of the Treaty the Committees and Special Committees established within the framework of the Union are required to observe within their particular fields of competence, the execution by national administrations of the decisions taken. In accordance with article 30 (a) of the Treaty and the rules of procedure adopted under article 32, paragraph 3, these bodies are required to report to the Committee of Ministers through the Council of the Economic Union.

2. Exercise of parliamentary control

95. The Consultative Interparliamentary Council, established under a Convention of 5 November 1955,⁴⁵ receives an annual report from the three Governments which deals, *inter alia*, with the realization and functioning of an economic union between the three States. This report is prepared by the Committee of Ministers and considered by the Consultative Interparliamentary Council. The Council may question Governments regarding the report, inform Governments of its opinion, and adopt recommendations by a two-thirds majority.

⁴² The recommendations are reproduced in "Message from the President of the United States transmitting a special report on United States Policy and International Co-operation in Antarctica", 88th Congress, 2nd Session, House Document No. 358, pp. 32-41.

⁴⁴ United Nations, *Treaty Series*, vol. 381, p. 165.

⁴⁵ *Ibid.*, vol. 250, p. 201.

⁴² *Ibid.*, vol. 402, p. 71.

3. Exercise of jurisdictional control

96. Under the Treaty a College of Arbitrators is established for the settlement of disputes between the contracting Parties regarding its application. Any dispute which cannot be settled by the Committee of Ministers is to be submitted to the College of Arbitrators, either at the joint request of the parties or unilaterally. The decisions of the College, which are taken by majority vote, are final and without appeal. The College has power to rule that a national decision (judicial or executive) is in violation of the Treaty or of an associated convention. If a party to a dispute does not execute a judgement given, the other party may appeal to the International Court of Justice, unless the parties agree to solve the dispute in some other way.

97. It may be noted that in a treaty signed on 31 March 1965, the three States provided for the establishment of a Benelux Court of Justice charged with promoting the uniform application of the legal rules common to the three countries.

C. COUNCIL OF EUROPE

98. The methods of fact-finding employed within the framework of the Council of Europe are divided according to whether the particular subject-matter concerns a situation which may affect the aims of the Council, as defined in article 1 of its Statute,⁴⁸ or arises in connexion with a convention or agreement concluded under the auspices of the Council.

1. Statute of the Council of Europe

99. The statutory organs of the Council of Europe, the Committee of Ministers and the Consultative Assembly, may deal with the fact-finding aspects of any situation which may affect the attainment of the statutory aims of the Council, as defined in article 1 of the Statute. The Consultative Assembly has acted as a fact-finding body on two occasions. During the years 1952-1954 a working group of the Political Committee of the Assembly drew up proposals for the settlement of the Saar question between France and the Federal Republic of Germany. Secondly, another working group of the Political Committee has examined the difficulties that have arisen between Austria and Italy over the status of the German-speaking minority in Northern Italy. In each instance these working groups have attempted to collect factual information by means of reports from Governments, reports prepared by members of the Consultative Assembly, and by direct contacts made by the chairmen and rapporteurs of the working groups with the Governments concerned.

2. Conventions and agreements concluded within the Council of Europe

100. The methods of inquiry provided in conventions and agreements concluded within the Council of Europe may be grouped into three main categories: judicial and quasi-judicial inquiry; inquiry by arbitral and conciliatory bodies; and reporting systems.

(a) Judicial and quasi-judicial inquiry

101. The Convention for the Protection of Human Rights and Fundamental Freedoms,⁴⁷ concluded under the aegis of the Council of Europe, makes provision for judicial and quasi-judicial inquiry as a means of as-

certaining facts regarding alleged breaches of the Convention.

102. Two organs are established under the Convention to ensure its observance: the European Commission, and the European Courts of Human Rights. All complaints regarding violations of the Convention, whether emanating from a State or from an individual, must be addressed to the Commission. If the Commission declares the case admissible, it proceeds to ascertain the facts. As part of the process of doing so the Commission may carry out an investigation, the contracting States being under an obligation to furnish all the facilities necessary to make the investigation effective. Besides discovering the facts, the Commission must attempt to secure a friendly settlement between the parties. Since the Commission was established in 1954, it has heard witnesses and taken evidence on several occasions in the course of its work. In one instance, in 1958, a sub-commission carried out an investigation on the territory where the facts giving rise to the complaint had occurred.

103. The final, binding decision in cases arising under the Convention is taken either by the European Court of Human Rights or by the Committee of Ministers after the Commission has submitted its report. The Rules of the Court provide for various forms of inquiry and other measures for obtaining information. To date, neither the Court nor the Committee of Ministers has carried out a fact-finding inquiry before taking a decision on any case placed before it.

(b) Inquiry by arbitral and conciliatory bodies

104. Several conventions drawn up within the framework of the Council of Europe provide that disputes arising between contracting States shall be the subject of proceedings before arbitral or conciliatory bodies. All relevant information about the matter in issue is to be supplied to the bodies to which such disputes are referred, which may also conduct such inquiries as they consider necessary. Examples of this procedure include the Conciliation Commission and the Arbitral Tribunal instituted, under chapters II and III respectively, of the European Convention for the Peaceful Settlement of Disputes,⁴⁹ the Standing Committee set up under the provisions of article 24 of the European Convention on Establishment,⁵⁰ and the methods of arbitration envisaged in article 11 of the European Interim Agreements on Social Security.⁵⁰

(c) Reporting systems

105. Three different methods of obtaining factual information through reports are found in the conventions and agreements concluded within the framework of the Council of Europe.

(i) Reports made under statutory obligations

106. These reports may be required on one occasion only or at fixed or periodic intervals. For example, article 2 of the European Convention on the Equivalence of Diplomas Leading to Admission to Universities⁵¹ provides that each Contracting Party shall, within a year of the entry into force of the Convention, supply a written statement of the measures taken to implement the substantial provisions of the Convention.

⁴⁸ *Ibid.*, vol. 320, p. 243.

⁴⁹ *Ibid.*, vol. 529, p. 141.

⁵⁰ *Ibid.*, vol. 218, p. 211.

⁵¹ *Ibid.*, vol. 218, p. 125.

⁴⁶ *Ibid.*, vol. 87, p. 103.

⁴⁷ *Ibid.*, vol. 213, p. 221.

107. The European Social Charter⁶² provides that the contracting Parties shall send at two-year intervals a report concerning the application of the provisions relating to the obligations which they have accepted. The contracting Parties also undertake to communicate copies of these reports to various national organizations for their comments. The reports and comments thereon are then examined by a Committee of Experts, according to a system similar to that adopted by the ILO, which is itself entitled to participate at the examination in a consultative capacity.

108. The European Convention on Establishment provides for the publication by the Standing Committee of a periodical report containing all information regarding the laws and regulations in force in the territory of the Parties in respect of matters provided for in the Convention.

(ii) *Reports to be made on request*

109. Examples of this method of obtaining information are found in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the Statute of the Council of Europe.

110. Article 57 of the Convention on Human Rights states that "on receipt of a request from the Secretary-General... any... Contracting Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of this Convention".

(iii) *Exchange of technical information*

111. Examples of the ascertainment of facts through the exchange of technical information include the following: (a) the Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment,⁶³ which provides for the exchange of technical information on medical treatment afforded to cripples in the different countries; and (b) the European Agreement on the Exchange of Therapeutic Substances of Human Origin,⁶⁴ which provides that the contracting Parties shall forward to one another lists of institutions empowered to issue prescribed certificates.

D. EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM)

112. The provisions of the Treaty establishing the European Atomic Energy Community (Euratom)⁶⁵ specify a number of methods whereby the Euratom Commission may ascertain whether or not member States, persons and enterprises, are complying with the provisions of the Treaty. These methods involve either direct means of fact-finding by the Commission itself or impose upon member States the obligation to provide the Commission, at its request with information collected from their nationals.

113. Under articles 141 and 142 of the Treaty of the European Atomic Energy Community, the Court of Justice may also be called upon at the request of the Euratom Commission or of a member State to determine whether or not a member State has failed to fulfil any of its obligations under the Treaty. In the case of an infringement of the Treaty by a person or enterprise,

the member State concerned is obliged to impose a penalty at the request of the Commission; if the ruling of the Commission is contested, the matter may be submitted to the Court of Justice.

1. *Methods of fact-finding used directly by the Euratom Commission*

114. Under article 187 of the Euratom Treaty the Commission is given a general power to collect information and to verify relevant matters, under conditions laid down by the Council of Ministers. This article has not so far been utilized since the other provisions of the Treaty have enabled the Commission to obtain all the information it has required; these other provisions, moreover, have not required the authorization of the Council of Ministers before they could be exercised.

115. The main method used by the Commission for the direct ascertainment of facts relating to the observance of the Treaty has been the dispatch of inspectors, who are required to examine the control facilities maintained by member States over nuclear activities. Article 81 of the Treaty provides that the inspectors appointed by the Commission

"shall at all times have access to all places and data and to any person who by reason of his occupation deals with materials, equipment or facilities subject to the control provided for in this Chapter, to the extent necessary to control ores, source materials and special fissionable materials, and to satisfy themselves concerning the observance of Article 77."

Article 81 also states that the President of the European Court of Justice may issue a warrant in the event that there is opposition to the carrying out of an inspection. Article 77 refers to the safeguards to be applied to nuclear materials in order to avoid diversion from their intended use and to the

"provisions concerning supplies and any special undertaking concerning measures of control entered into by the Community in an agreement concluded with a third country or an international organization...".

2. *Information supplied by member States*

116. Under article 104 of the Euratom Treaty the Commission may require a member State to communicate to it agreements concluded by persons or enterprises with a third country, with a national of a third country, or with an international organization, so that the Commission may ascertain that such agreements do not contain clauses impeding the application of the Treaty. Any inquiry made by the Commission is based on data which member States are bound under the Treaty to obtain from their nationals. Under article 192 member States are obliged to take all appropriate measures to ensure the implementation of the Treaty and of acts adopted by the institutions of the Community.

E. EUROPEAN COAL AND STEEL COMMUNITY

117. The methods of ascertaining facts used within the European Coal and Steel Community vary according to the nature of the facts in question and the particular aspect of the work of the Community which is under consideration.

1. *Statistical data*

118. The preparation of statistical data relating to the coal and steel industries of the Community is under-

⁶² *Ibid.*, vol. 529, p. 89.

⁶³ *Ibid.*, vol. 250, p. 3.

⁶⁴ *Ibid.*, vol. 351, p. 159.

⁶⁵ *Ibid.*, vol. 298, p. 167.

taken largely by the statistical office of the European Communities. This office collects the data either directly, or through the community statistical bodies, or by writing to producers and importers. The statistical office prepares questionnaires which are sent periodically to industries in the six States of the Community and also conducts inquiries relating to particular topics. The data so assembled are placed at the disposition of the High Authority of the Community which in turn can, in certain cases, inform the interested industries.

2. Future policy and forecasting

119. As regards the determination of matters relating to future policy and forecasting the High Authority can—and in some cases must—consult the Consultative Committee, which consists of an equal number of producers, workers and consumers and dealers. The High Authority may also consult with Governments, experts, and with interested persons (firms, workers, consumers and dealers), and their associations.

3. Forecasts and definition of general programmes

120. In this aspect of its work the High Authority conducts multilateral or bilateral consultations with the representatives of Governments or of producers, consumers and workers. The High Authority may also seek the advice of independent experts.

4. Fact-finding in relation to particular questions

(a) Social questions

121. A number of committees, sub-committees and working groups have been established and are consulted by the High Authority with respect to social questions. For the most part these bodies are composed of employers' and workers' representatives but they may also include Government representatives.

(b) Prices

122. Firms are obliged to inform the High Authority of their price levels. In addition the High Authority employs inspectors who have direct access to firms.

(c) Investments

123. Firms are under an obligation to inform the High Authority of their investment plans.

(d) Restrictive agreements

124. The High Authority has the necessary powers of investigation to ensure that the obligations are observed regulating agreements and combinations in restraint of trade.

F. EUROPEAN ECONOMIC COMMUNITY

125. Within the framework of the Treaty establishing the European Economic Community,⁵⁶ the problem of establishing facts regarding observance of the Treaty is posed with respect to both member States and individuals. The jurisdictional system which is provided includes two principal institutions, the Court of Justice of the European Economic Community, which is charged with ensuring respect for law in the application and interpretation of the Treaty, and the Commission, which plays an active role in observing the application of the Treaty and in formulating recommendations and taking other steps under article 165 of the Treaty. The following summary is divided according to whether the facts are obtained by these two institutions (for

the most part by the Commission) as regards either member States or private parties.

1. Member States

126. The Commission gains information relating to member States by a variety of means, which are described briefly below.

(a) Information obtained or received by the services of the Commission

127. Official publications of member States are examined systematically by the services of the Commission in order to ensure that acts taken are in conformity with the Treaty. These services also maintain close contact with the different administrations of member States so that they may be kept informed of projects which States intend to adopt; since any measures taken which are not in conformity with the Treaty are usually such as to be harmful to the interest of another member State or its citizens, the latter do not hesitate to inform the Commission. A large number of national professional organizations have established themselves in order to defend the interests of their members at the community level.

(b) Information furnished by member States

128. By virtue of article 5 of the Treaty member States are under an obligation to facilitate the performance of the Commission's tasks, an obligation which includes the furnishing of all necessary information. Other provisions of the Treaty, or measures taken in furtherance of the Treaty, provided for the provision of information in particular spheres. For example, under article 93 of the Treaty member States are under an obligation to inform the Commission "of any plans to institute or modify aids"; under article 102 a similar obligation exists with regard to "the enactment or amendment of a legislative or administrative provision" which will cause a "distortion" of the conditions of competition within the meaning of article 101. By a decision of the Council of Ministers of 9 October 1961, information must also be given regarding commercial policies. Other decisions taken by institutions of the Community provide expressly that member States must communicate to the Commission information regarding measures taken to put those decisions into execution (for example, as regards the harmonization of legislation).

(c) Failure to observe the terms of the Treaty

129. When the Commission, having been informed by these means, considered that a member State has failed to observe an obligation incumbent on it under the Treaty, it invites the State concerned to present its observations. If these observations, which may concern either the facts or the law, do not succeed in modifying the opinion of the Commission, the latter gives a reasoned opinion. Under article 169 of the Treaty the Commission may refer the matter to the Court of Justice if the member State does not comply with the opinion within a specified period.

130. Under article 170 of the Treaty any member State may refer a matter to the Court if it considers that another member State has failed to observe its obligations under the Treaty. Before doing so, however, it must refer the matter to the Commission, which must give a reasoned opinion after the States concerned have submitted their comments in written and in oral proceedings.

⁵⁶ *Ibid.*, vol. 298, p. 3.

131. When the Court is seized of the matter, it has the necessary authority to seek information regarding any facts in dispute. It can, in particular, ask the parties to produce all documents and to furnish all information which it considers desirable. In addition it can request member States and institutions which are not parties to the case to supply any information which may be of assistance. It can nominate experts and hear witnesses.

2. Private parties

132. The provisions adopted by institutions of the Community with respect to private parties may vary according to the nature of the actual problem presented. A good example of such an arrangement is contained in Regulation No. 17 of the Council of 6 February 1962,⁶⁷ concerning the application of the provisions of the Treaty relating to the rules of commercial competition, which provides that the Commission must be notified of all agreements between businesses, decisions of business associations and agreed practices, which are capable of affecting trade between member States and which have as their object or effect the prevention, restriction or frustration of competition within the Common Market. The Commission may also be informed of such agreements, decisions or practices as a result of a complaint. Before taking a decision with regard to these agreements, decisions or practices the Commission examines them in close liaison with the authorities of member States and after having given interested firms or associations the opportunity to make their point of view known. Within the framework of its powers of investigation the Commission may collect all necessary information from Governments or from the competent authorities of member States, as well as from commercial enterprises and associations. It can request the authorities of member States to verify the information so provided. The Commission can itself seek the necessary verification as regards firms and associations. For this purpose the agents of the Commission are given the following powers: to inspect correspondence and other relevant documents; to make copies or to take extracts from such material; to conduct oral inquiries on the spot; and to have access to all premises, sites and means of transport of commercial enterprises. If an enterprise opposes verification the member State concerned must provide the agents of the Commission with the necessary assistance.

133. If there are grounds to believe that, in a given economic sector, competition has been restricted or frustrated within the Common Market, the Commission may conduct a general inquiry and, within its framework, ask firms to furnish all necessary information. In order to obtain true and accurate information the Commission has the power to impose penalties and fines on commercial undertakings and companies. It may be noted that, as with other decisions, the Commission's decisions in the matter may be brought before the Court of Justice and an attempt made to have them annulled.

134. Mention may again be made of article 213 of the Treaty which provides that, in order to accomplish the tasks entrusted to it, the Commission may collect all information and seek appropriate verification within the limits and subject to the conditions set by the Council of Ministers, in conformity with the provisions of

the Treaty. This Article has been applied in organizing inquiries regarding salaries and investments, with a view to providing the Commission with the economic information it required in order to determine its policies.⁶⁸

G. EUROPEAN NUCLEAR ENERGY AGENCY

135. The European Nuclear Energy Agency, which was established in 1957 by the Organisation for European Economic Co-operation (the precursor of the Organisation for Economic Co-operation and Development), has prepared a number of conventions. One of these, the Convention on the Establishment of a Security Control in the Field of Nuclear Energy (which was signed on 20 December 1957 and came into force on 22 July 1959) provides for a system of fact-finding, including international inspection, designed to ensure that nuclear materials, equipment and services falling within the scope of the Convention are used solely for peaceful purposes. In particular, article 5 (a) of the Convention states:

"The Agency shall have the right and responsibility to send into territory under the jurisdiction of Governments party to the present Convention inspectors, designated by it after consultation with the Government or Governments concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities subject to control, as necessary to account for source and special fissionable materials subject to control and to determine whether there is compliance with the obligations arising from the present Convention and from any agreement concluded by the Agency with the Government or Governments concerned."

136. The "control" which is referred to is maintained on behalf of the Agency by means of a Steering Committee and a Control Bureau, the latter consisting of one representative of each State Party to the Convention. The Control Bureau is responsible for drawing up security regulations, for examining the reports made by Governments, and for the dispatch of inspectors. The task of the inspectors is to verify the operating records kept by Governments and to ascertain "... whether there is compliance with the obligations arising from the present Convention and from any agreement concluded with the Government or Governments concerned" (article 11 (d)). The inspectors report any infringement to the Control Bureau. The Bureau is entitled to request that a State Party which it considers has committed an infringement shall take the necessary steps to remedy the situation; the Bureau may also propose to the Steering Committee that further measures be adopted, including the withholding or withdrawal of Agency assistance. States Parties may appeal to an international Tribunal, established under a Protocol to the Convention, regarding the security measures adopted or steps taken or proposed with respect to infringements. No appeal has yet been made to the Tribunal.

⁶⁷ As regards salaries see the following Regulations: No. 10 of 25 August 1960 (*Journal Officiel des Communautés Européennes* (Brussels), 31 August 1960, pp. 1199-1260); No. 14 of 24 July 1961 (*ibid.*, 16 August 1961, pp. 1055-1061); No. 28 of 14 May 1962 (*ibid.*, 28 May 1962, pp. 1277-1362); and No. 188-64 of 12 December 1964 (*ibid.*, 24 December 1964, pp. 3634-3664). As regards investments see the Directive of 30 June 1964 (*ibid.*, 30 August 1964, pp. 2193-2264).

⁶⁸ *Journal Officiel des Communautés Européennes* (Brussels), 21 February 1962, pp. 204-62.

H. FISHERIES CONVENTIONS

137. A number of international agreements have been concluded providing for the regulation of fishing in specific areas so as to ensure that fishing stocks are not unduly depleted. As part of the regulatory machinery established under these agreements provision has been made in several cases for the setting up of an international commission empowered to collect statistical information, to conduct or co-ordinate research, and to make recommendations based on information received. A brief description of the work of three of these commissions is given below.

1. *International Commission for the North West Atlantic Fisheries*

138. The Commission which was established in 1950 by the Convention for the Northwest Atlantic Fisheries⁵⁹ composed of not more than three Commissioners for each contracting Government, is authorized to obtain and collate the information necessary for maintaining fish stocks in the area. Under article 6 of the Convention the Commission may, either acting independently or through or in collaboration with governmental or other agencies, make scientific investigations; collect statistical information; appraise information concerning methods of maintaining fish stocks; conduct hearings; and publish and disseminate reports of its findings as well as other reports. The Commission receives the reports of the panels established to deal with sub-areas of the waters defined in the Convention. Contracting Governments are requested to furnish relevant data to the Commission and to inform it of the action taken to give effect to proposals put forward by the Commission, after these have been accepted by contracting Governments.

2. *International North Pacific Fisheries Commission*

139. Under the Convention for the High Seas Fisheries of the North Pacific Ocean,⁶⁰ concluded in 1952, an International North Pacific Fisheries Commission was established composed of the representatives of Canada, Japan and the United States, the three Parties to the Convention. The task of the Commission is to co-ordinate the scientific studies conducted by the contracting Governments in order to ascertain what conservation measures are required and to make appropriate recommendations to the Parties. States Parties are requested to report to the Commission regarding the conservation measures adopted and on the action taken by them with regard to violations. In the event that a fishing vessel of a contracting Party is found in waters in which that State has agreed to abstain from exploitation, officials of any Party may board the vessel to inspect its equipment, books, documents, and other articles, and may question the persons on board.

⁵⁹ United Nations, *Treaty Series*, vol. 157, p. 157. For an account of the operation of the Convention see W. C. Herrington and J. L. Kask, "International Fishery Conservation Problems and Solutions Developed in Existing Conventions", Technical Paper A/CONF.10/L.4 (prepared for the International Technical Conference on the Conservation of the Living Resources of the Sea, 1955), paras. 63-70.

⁶⁰ United Nations, *Treaty Series*, vol. 205, p. 65. For an account of the operation of the Convention see Herrington and Kask, *op. cit.*, paras. 75-85.

3. *North-East Atlantic Fisheries Commission*

140. The North-East Atlantic Fisheries Convention,⁶¹ which came into force on 27 June 1963, provides for the establishment of a Commission composed of the representatives of the contracting Parties. The main task of the Commission is to keep under review the fisheries in the area, to consider, in the light of available technical information, what conservatory measures are required and to make appropriate recommendations to the contracting States. The Commission is assisted in its work by regional committees which are responsible for particular areas.

141. Contracting States may be requested to furnish statistical and other information to the Commission and are required to report annually on the action taken by them in order to implement the provisions of the Convention and the recommendations of the Commission which have become binding. In addition the Commission may make recommendations both for measures of national control in the territories of contracting States and for national and international measures of control on the high seas, for the purpose of ensuring the application of the Convention and the measures in force thereunder.

I. INTERNATIONAL COMMITTEE OF THE RED CROSS

142. The relevant aspects of the work of the International Committee of the Red Cross concern, on the one hand, the provisions of the Geneva Conventions of 1949 and, on the other, inquiries undertaken regarding specific allegations of violations of international obligations of a humanitarian character.

1. *The Geneva Conventions*

143. The four Geneva Conventions of 12 August 1949, for the Protection of War Victims⁶² contain an identical article providing for an inquiry to be held at the request of a party to a conflict regarding alleged violations of the Conventions and, in the event that the parties are unable to agree upon the procedure to be followed, for the appointment of an umpire. The article in question reads as follows:

"At the request of a Party to the conflict, an enquiry shall be instituted, in a manner to be decided between the interested Parties, concerning any alleged violations of the Convention.

"If agreement has not been reached concerning the procedure for the enquiry, the Parties should agree on the choice of an umpire who will decide upon the procedure to be followed.

"Once the violation has been established, the Parties to the conflict shall put an end to it, and shall repress it with the least possible delay".⁶³

The International Committee of the Red Cross informed the United Nations Secretariat that it knew of no instance in which this provision had been applied.

⁶¹ United Nations, *Treaty Series*, vol. 486, p. 157.

⁶² *Ibid.*, vol. 75, p. 5.

⁶³ Article 52, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; art. 53, Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; art. 132, Geneva Convention relative to the Treatment of Prisoners of War; and art. 149, Geneva Convention relative to the Protection of Civilian Persons in Time of War.

2. *Inquiries into alleged violations of international law*

144. The International Committee of the Red Cross reported that it had sometimes been requested to undertake inquiries regarding particular violations of international law of a humanitarian character. By way of example the following extract from a memorandum of 23 November 1951⁶⁴ was forwarded, describing the manner in which the Committee determined its position with regard to such alleged violations.

"There is frequent misconception as to the precise role played by the International Committee in this connexion, and a tendency to think that, in addition to transmitting protests, it is itself competent to inquire into the allegations.* The Committee therefore considers it necessary to recall once more the limits within which, should the occasion arise, it might undertake to make an enquiry.

"In its Memorandum of 12 September 1939, to the belligerent States at the beginning of the World War, the International Committee set out the principles which must necessarily govern its intervention should it be requested to institute an enquiry. It continues to be guided by those principles. They are briefly as follows:

"(1) The International Committee can undertake no enquiry except in virtue (a) of powers conferred on it in advance by a Convention or (b) of an *ad hoc* agreement by all the interested parties.

"It does not constitute itself into an Enquiry Commission: it limits itself to choosing, from outside its own members, one or more persons who are qualified to carry out the enquiry.

"(2) The enquiry procedure must guarantee complete impartiality, and enable the parties to state their case.

"No communication relating to a request for an enquiry or to the enquiry itself shall be made to the public without the prior consent of the International Committee.

"(3) The Committee's primary mission in time of conflict, taking precedence over all others, is to watch over the interests protected by the Geneva Conventions. Therefore, if it should agree to conduct an enquiry in the conditions indicated above, such enquiry should bear primarily upon infringements of the said Conventions; only exceptionally could an enquiry into alleged violations of the rules of war in general come within its scope.

"(4) The International Committee could not undertake an enquiry if there were a risk of thereby rendering more difficult or even impossible its normal practical work for war victims, or compromise its indispensable impartiality and neutrality.

* The First Geneva Convention of 1929, and the four Geneva Conventions of 1949, make no mention of the International Committee in the clauses which provide that the interested parties may demand an inquiry which shall be conducted in a manner to be decided between themselves." (Foot-note in original.)

J. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

145. The methods of fact-finding which are used, or which may be used, by the Organisation for Eco-

⁶⁴ English text in *Revue internationale de la Croix-Rouge et Supplément* (Geneva), December 1951, vol. IV, No. 12.

nomie Co-operation and Development vary according to the nature of the facts to be ascertained and the investigating body. It was stated that if a member State were to allege that another had failed to observe an act of the organization, the matter would be placed before the Council of the organization, from which all acts were derived. In such an event the Council would hear the arguments on both sides; no such case has yet arisen.

146. Apart from possible action at Council level, a number of the subordinate bodies of the organization employ various techniques for the ascertainment of facts; such bodies include the Economic and Development Review Committee; the Development Assistance Committee; the Trade Committee; and the Committee for Invisible Transactions.

1. *Economic and Development Review Committee*

147. The Economic and Development Review Committee, which is responsible for an annual economic survey of individual member States and of Yugoslavia, examines each country's economic situation and policies. The technique used consists of a confrontation country by country. Each member State addresses to the organization a memorandum on its economic situation and on the methods and objectives of its governmental policy. These memoranda are examined by the secretariat of the organization, which prepares a draft report. Two member countries are appointed examiners and have the responsibility for drawing up a list of questions, in conjunction with the secretariat. The representatives of each country then appear before the Committee in order to reply to the relevant series of questions. Following a general debate the draft report is put in final form.

2. *Development Assistance Committee*

148. The Development Assistance Committee, which has as its objective the expansion of the aggregate volume of resources made available to the developing countries and the improvement of the effective use of those resources, employs a technique of examination which is basically similar in its methods to those employed by the Economic and Development Review Committee.

3. *Trade Committee*

149. The Trade Committee enables the organization to be kept informed of significant developments in the field of trade. In order to ensure that relevant information is provided and kept up to date, the Trade Committee uses a system of notifications and confrontations. In the course of these confrontations the general trade policy of each member country and its trade practices are examined, special attention being given to the outstanding features of policy and any significant modifications in its application.

4. *Committee for Invisible Transactions*

150. The Committee for Invisible Transactions, which is composed of a restricted body of experts, is primarily responsible for the progressive removal of restrictions on the international movement of services and capital, and as such watches over the implementation of the Codes of Liberalization of Capital Movements and of Current Invisible Operation respectively. These two instruments contain detailed technical

arrangements designed to ensure that States comply with their obligations.

K. WHALING AGREEMENTS

1. *International Convention for the Regulation of Whaling, signed at Washington, 2 December 1946*⁶⁵

151. Under Article III of the 1946 Convention an International Whaling Commission was established, composed of one member from each contracting Government. The main responsibility given to the Commission is to amend periodically the provisions of the Schedule attached to the Convention, which govern the conditions under which contracting States may conduct whaling activities. Under Article IV the Commission is also charged with responsibility for taking action, either independently or in collaboration with governmental, public or private bodies: to encourage, recommend, or, if necessary, organize studies and investigations relating to whaling; to collect and analyse statistical information concerning the condition and trend of whale stocks and the effects of whaling activities; and to study, appraise and disseminate information concerning methods of maintaining and increasing population of whale stocks.

152. The International Whaling Commission has established two Committees which perform fact-finding and fact-evaluating functions.⁶⁶ The Scientific Committee evaluates relevant scientific and statistical information and reviews the research programmes of Governments, international organizations and other bodies, as well as considering such additional matters as are referred to it by the Commission. The statistical report on whaling operations, prepared each year by the Bureau for International Whaling Statistics (an organ of the Norwegian Government) on the basis of information supplied by contracting Governments, together with the accompanying data, serve as guidelines to the Scientific Committee in reaching decisions on matters within its competence and in making recommendations for appropriate action by the Commission itself.

153. The Technical Committee has been concerned with making an annual examination of the infractions reported by contracting Governments and the pertinent recommendations submitted by them, reviewing the legislation and regulations adopted by Governments in implementing the Convention, and with questions involving the time, manner and intensity of whaling operations.

⁶⁵ United Nations, *Treaty Series*, vol. 161, p. 72. Under the various international agreements concluded prior to 1946, contracting States were obliged to communicate statistical and biological information regarding whales caught by ships flying their flags to the Bureau for International Whaling Statistics, an organ of the Norwegian Government situated at Sandefjord in Norway. The agreements concerned were as follows: Convention for the Regulation of Whaling 1931 (League of Nations *Treaty Series*, vol. Cl.V, p. 349); International Agreement for the Regulation of Whaling (*ibid.*, vol. CXC, p. 79); and Protocol of 1945 amending the International Agreement of 1937 and the Protocol of 1938, for the Regulation of Whaling (United Nations, *Treaty Series*, vol. 11, p. 43).

⁶⁶ See Remington Kellogg, "The International Whaling Commission" Technical Paper A/CONF.10/L.18 (prepared for the International Technical Conference on the Conservation of the Living Resources of the Sea, 1955).

2. *Agreement concerning an International Observer Scheme for Factory Ships Engaged in Pelagic Whaling in the Antarctic, signed at London on 28 October 1963*⁶⁷

154. The above-mentioned Agreement provides for the appointment of observers by the International Whaling Commission to expeditions engaged in pelagic whaling in the Antarctic under the flags of States which are members of the Commission. Under provisions of article 1, contracting Governments have the right to nominate one observer of their own nationality in respect of each foreign expedition and are required to nominate as many other observers as they have expeditions operating under their flag during any one season. From the observers so nominated the Commission is to appoint one to each expedition, so that the total number of each nationality is equal to the number of that country's expeditions. The remaining observers are to be appointed to such expeditions as the nominating Government may require, provided that not more than one observer of any nationality may be appointed to any expedition.

155. All observers are to be responsible solely to the Commission. They are to be given the status of a senior officer and to be entitled to subsistence and accommodation accordingly. They are to be provided with the necessary facilities for carrying out their duties, including the use of radio. Article 2 (2) states that:

"An observer shall be enabled to observe freely the operations of the expedition to which he is appointed, so that he may verify the observance of the provisions of the Convention and the schedule in regard to the taking of whales and their rational utilisation. In particular the observer shall be given facilities to ascertain the species, size, sex and number of whales taken".

Observers may examine all reports made and all records and data to be kept or supplied in accordance with the Schedule to the 1946 Convention. Officers of the vessel or national inspectors accompanying the expedition are required to supply any information which may be necessary. In the event of an infraction of the Convention or of the Schedule an observer is to draw up a report, which shall be submitted to the master or manager and to the senior national inspector, for information and such comments as they may wish to make. Any comments made are then to be annexed to the report, which is to be forwarded to the secretariat of the International Whaling Commission. Where an infraction not due to excusable error occurs, this is to be brought in writing to the immediate notice of the master or manager and of the senior national inspector by an observer, who may also at once inform the secretariat if he deems it sufficiently serious.

⁶⁷ United Kingdom Cmd. 2209, Misc. No. 21 (1963). The Agreement, which has not yet come into force, was signed by the Governments of Japan, the Netherlands, Norway, the Union of Soviet Socialist Republics and the United Kingdom. These Governments had previously entered into Arrangements for the Regulation of Antarctic Pelagic Whaling in 1962, providing for a system of quotas (United Nations, *Treaty Series*, vol. 486, p. 263).

DOCUMENT A/6230

Report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States

[Original text: English]
[27 June 1966]

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I. Introduction

A. ADOPTION AND ORGANIZATION OF THE REPORT

1. The 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States met at United Nations Headquarters, pursuant to General Assembly resolution 2103 A (XX) of 20 December 1965, from 8 March to 25 April 1966. On 23 April 1966, the Special Committee considered and approved the draft report presented by its Rapporteur,¹ subject to the inclusion in the final version of the decisions of the Special Committee.

2. The introduction to the report, contained in chapter I, briefly recalls the background of the work of the 1966 Special Committee, and it then describes the composition, terms of reference and organization of the session of the Committee. Chapters II to VIII deal successively with the seven principles of international law referred to the Committee by the General Assembly in its resolution 2103 (XX). These chapters commence with the texts of written proposals and amendments submitted to the Committee on the particular principles with which they deal, then give a summary of the debate in the Committee on those principles and conclude with an account of the decisions of the Committee. Chapter IX contains an account of the conclusion of the work of the Special Committee with respect to those principles before it on which it was unable to arrive at any agreed formulations.

B. BACKGROUND OF THE WORK OF THE 1966 SPECIAL COMMITTEE

3. 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" was discussed by the General Assembly at its seventeenth, eighteenth and twentieth sessions (see also para. 9, below). These discussions resulted *inter alia* in the adoption of General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963 and 2103 (XX) of 20 December 1965.²

¹ Documents A/AC.125/L.38 and Corr.1, Add.1 and Corr.1, Add.2, Add.3 and Corr.1, Add.4 and Corr.1, Add.5, Add.6 and Corr.1, and Add.7, mimeographed.

² Other resolutions adopted in connexion with the item are resolution 1816 (XVII) of 18 December 1962, on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law and resolutions 1967 (XVIII) of 16 December 1963 and 2104 (XX) of 20 December 1965 on the question of methods of fact-finding. As these resolutions were not within the mandate of the 1966 Special Committee they are not set out in the body of the present report.

4. By operative paragraph 1 of its resolution 1815 (XVII), the General Assembly recognized:

"... 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 principle 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;"

5. By operative paragraph 3 of resolution 1815 (XVII), the General Assembly decided to study, at its eighteenth session, the following four principles:

"(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;"

6. Discussion of these four principles at the eighteenth session resulted, *inter alia*, in the adoption of General Assembly resolution 1966 (XVIII) by which the Assembly decided:

"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..."

In operative paragraph 1 of the same resolution, the Assembly referred the four principles set out in opera-

tive paragraph 3 of resolution 1815 (XVII) to this Committee, requesting it 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 conclusion of its study and its recommendations..."

7. Finally, the Assembly decided, in operative paragraph 5 of its resolution 1966 (XVIII), to consider the report of the Special Committee at its nineteenth session and to study the following three 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."

8. The Special Committee established under General Assembly resolution 1966 (XVIII), which will be referred to hereafter in this report as the "1964 Special Committee" or "1964 Committee", met in Mexico City at the invitation of the Government of Mexico, from 27 August to 2 October 1964, and adopted a report to the General Assembly (A/5746).³ In that report, the 1964 Special Committee recorded that, on the first principle before it, relating to the prohibition of the threat or use of force, two papers had been submitted to it by its Drafting Committee. The first of these papers contained a draft text formulating points of consensus, and a list itemizing the various proposals and views on which there was no consensus but for which there was support (A/5746, para. 106, Paper No. 1). The second paper stated that the 1964 Committee had been unable to reach any consensus on the scope or content of the principle concerned (A/5746, para. 106, Paper No. 2). By 13 votes to 10, with 2 abstentions, the Special Committee decided to put the second paper to the vote first, and it adopted that paper by 11 votes to 2, with 12 abstentions (A/5746, paras. 107-108). On the second and third principles before it, relating to the peaceful settlement of disputes and to non-intervention, the 1964 Special Committee was likewise unable to reach any consensus on the scope or content of these principles (A/5746, paras. 201-292). As regards the fourth principle, namely the principle of sovereign equality of States, the 1964 Special Committee unanimously adopted, on the recommendation of its Drafting Committee, a text setting out points of consensus (see para. 356 below) and a list itemizing various proposals and views on which there was no consensus but for which there was support (see A/5746, para. 339).

9. The report of the 1964 Special Committee was not considered by the General Assembly at its nineteenth session. In view of the situation prevailing at that session,⁴ the Secretary-General included the item relating to the report on the provisional agenda of the twentieth session of the General Assembly.

10. At its twentieth session, the General Assembly considered the report of the 1964 Special Committee and studied the three principles set out in paragraph 5 of its resolution 1966 (XVII) (see para. 7 above). In

the outcome, by operative paragraph 3 of its resolution 2103 A (XX), the Assembly decided:

"... to reconstitute the Special Committee which will be composed of the members of the Committee established under General Assembly resolution 1966 (XVIII) and of Algeria, Chile, Kenya and Syria, in order to complete the consideration and elaboration of the seven principles set forth in Assembly resolution 1815 (XVII);"

11. At its twentieth session the General Assembly, in conjunction with its consideration of the item mentioned above, took up an item entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities". This item had been proposed for inclusion in the agenda of the nineteenth session by Madagascar, the request for inclusion being accompanied by an explanatory memorandum and a draft resolution. However, in the situation prevailing at the nineteenth session, the Assembly had taken no decision on this request. The item was resubmitted by Madagascar to the twentieth session, and the Assembly decided to include it in the agenda and allocate it to the Sixth Committee. On the recommendation of the Sixth Committee, the Assembly adopted resolution 2103 B (XX) of 20 December 1965 relating to this item, and conferring certain responsibilities upon the 1966 Special Committee as described in paragraph 15 below.

C. COMPOSITION OF THE 1966 SPECIAL COMMITTEE

12. The 1966 Special Committee, as reconstituted pursuant to operative paragraph 3 of General Assembly resolution 2103 A (XX), was composed of the following thirty-one Member States: Algeria, Argentina, Australia, Burma, Cameroon, Canada, Czechoslovakia, Dahomey, France, Ghana, Guatemala, India, Italy, Japan, Kenya, Lebanon, Madagascar, Mexico, Netherlands, Nigeria, Poland, Romania, Sweden, Syria, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

13. In operative paragraph 5 of its resolution 2103 A (XX), the General Assembly recommended to 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". The list of representatives to the Special Committee, appointed in the light of this provision, is contained in annex I to the present report.

D. TERMS OF REFERENCE OF THE 1966 SPECIAL COMMITTEE

14. In operative paragraph 3 of resolution 2103 A (XX), as already mentioned (see para. 10 above), the General Assembly decided to reconstitute the Special Committee "in order to complete the consideration and elaboration of the seven principles set forth in Assembly resolution 1815 (XVII)". By operative paragraph 4 of the same resolution, the Assembly requested the 1966 Special Committee:

"(a) To continue, in the light of the debates which took place in the Sixth Committee during the seventeenth, eighteenth and twentieth session of the General Assembly and of the report of the previous Special Committee, the consideration of the four principles set forth in paragraph 3

³ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5746.

⁴ *Ibid.*, *Nineteenth Session, Annexes*, annex No. 2, document A/5884, para. 6.

of Assembly resolution 1815 (XVII), having full regard to matters on which the previous Special Committee was unable to reach agreement and to the measure of progress achieved on particular matters;

"(b) To consider the three principles set forth in paragraph 5 of General Assembly resolution 1966 (XVIII), with particular regard to:

"(i) The practice of the United Nations and of States respecting the application of the principles laid down in the Charter of the United Nations;

"(ii) The comments submitted by Governments on this subject in accordance with paragraph 6 of resolution 1966 (XVIII);

"(iii) The views and suggestions advanced by the representatives of Member States during the seventeenth, eighteenth and twentieth sessions of the General Assembly;

"(c) To submit a comprehensive report on the results of its study of the seven principles set forth in resolution 1815 (XVII), including its conclusions and recommendations, with a view to enabling the General Assembly to adopt a declaration containing an enunciation of these principles;"

15. In the first preambular paragraph of its resolution 2103 B (XX) the General Assembly recorded that it had:

"... considered the item entitled 'Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities'."

In the operative paragraph of that resolution, the Assembly requested:

"... the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, reconstituted under paragraph 3 of resolution 2103 A (XX) ... , to take into consideration, in the course of its work and in drafting its report, the request for the inclusion in the agenda of the item mentioned in the first preambular paragraph above and the discussion of that item at the twentieth session of the General Assembly".

16. In the discharge of its mandate, the 1966 Special Committee had available to it the report of the 1964 Committee (A/5746), the documentation provided to the 1964 Committee, and the relevant records of the seventeenth, eighteenth, nineteenth and twentieth sessions of the General Assembly. The Special Committee also had available to it the records of the twentieth session of the Assembly on items 59 and 107 of the agenda of that session, respectively entitled: "Peaceful settlement of disputes" and "The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty". A list of this documentation is contained in annex II of the present report.

E. ORGANIZATION OF THE SESSION OF THE 1966 SPECIAL COMMITTEE

17. By operative paragraph 6 of its resolution 2103 A (XX), the General Assembly requested:

"... the Special Committee to meet at United Nations Headquarters as soon as possible and to report to the General Assembly at its twenty-first session".

18. The 1966 Special Committee held fifty-two meetings in the course of a seven-week session from

8 March to 25 April. At its first meeting, on 8 March 1966, it elected the following officers:

Chairman: Mr. K. Krishna Rao (India)

First Vice-Chairman: Mr. Vratislav Pěchota (Czechoslovakia)

Second Vice-Chairman: Mr. Armando Molina Landacta (Venezuela)

Rapporteur: Mr. W. Riphagen (Netherlands)

The Secretary-General of the United Nations opened the session of the Special Committee. Thereafter, he was represented by Mr. C. A. Stavropoulos, Legal Counsel. Mr. C. A. Baguinian, Director of the Codification Division of the Office of Legal Affairs served as Secretary. After his departure from Headquarters on 11 April 1966, Mr. G. W. Wattles, Deputy Director of the Codification Division, served as Secretary.

19. At its second and third meetings on 9 March 1966, the 1966 Special Committee discussed the organization of its work. It adopted, at its third meeting, a plan of work (A/AC.125/2) designed to allow for the consideration, in the time available to it, of all seven principles of international law before it. Under this plan of work the Committee agreed to adopt a *seriatim* approach to the seven principles, and to attempt to complete its work on each principle within a certain number of meetings allocated to each principle. Considering the progress achieved by the 1964 Special Committee, and taking into account that the General Assembly had adopted, at its twentieth session, on the recommendation of its First Committee, a "Declaration on the inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty" (resolution 2131 (XX) of 21 December 1965) (see also paras. 292-300 below), the 1966 Committee decided to discuss the principles in the following order:

The principle of sovereign equality of States;

The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

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;

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 duty of States to co-operate with one another in accordance with the Charter;

The principle of equal rights and self-determination of peoples;

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.

While the principles were discussed in the order set out above, the present report, in view of the previous history of the item, describes the work of the 1966 Special Committee on the principles in the order contained in paragraph 3 of General Assembly resolution 1815 (XVII) and paragraph 5 of General Assembly resolution 1966 (XVIII) (see paras. 5 and 7 above).

20. In its plan of work the 1966 Special Committee, taking into account the size of its agenda and of the

general debate on the principles considered by the 1964 Committee both at the eighteenth session of the General Assembly and in the 1964 Committee, decided that no general debate should be held on those principles. Instead, it was agreed that members of the Special Committee, in the time reserved for discussion on these principles, would confine themselves to comments on any proposals still before the 1966 Special Committee in the report of the 1964 Committee, or any new proposals introduced before the 1966 Committee.

21. In the course of the discussion of the organization of its work, the 1966 Special Committee also decided that consideration should be given as to whether a drafting committee should be established at an early stage. At its second meeting, on 9 March 1966, the Special Committee entrusted its Chairman with the task of holding informal discussions on the possible establishment of a drafting committee and its composition and terms of reference. At the tenth meeting of the Committee, on 15 March 1966, the Chairman announced that he believed a consensus to exist on three points: first, any drafting committee should reflect the balance in membership of the Special Committee; secondly, such a balance could be achieved in a drafting committee consisting of sixteen members; and, thirdly, the drafting committee should be a negotiating and drafting body and not a decision-making body. It should make its recommendations to the Special Committee immediately after it had finished its consideration of each principle referred to it and the Special Committee should take such action as it deemed fit on those recommendations. In the light of these three points, the Special Committee requested its Chairman to nominate the members of the Drafting Committee and its Chairman.

22. At the eleventh meeting of the 1966 Special Committee, on 15 March 1966, the Chairman nominated the following members to serve on the Drafting Committee: Argentina, Australia, Cameroon, Czechoslovakia, France, India, Japan, Kenya, Lebanon, Mexico, Sweden, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia. He suggested that Algeria should take the place of India on the Drafting Committee when that Committee considered the principle of non-intervention. Algeria should also take the place of Lebanon for the principle relating to the prohibition of the use of force, and the place of Kenya for the principle relating to self-determination. The Chairman further suggested that, during the absence of the representative of Sweden from New York, his place on the Drafting Committee should be taken by Italy. The representative of Italy should continue to serve on the Drafting Committee until the completion of that Committee's work on the particular principle before it at the time of the return of the representative of Sweden. The Chairman also suggested that the Rapporteur might attend all meetings of the Drafting Committee, and other delegations not represented on that Committee might do likewise. Should any such delegation wish to make a statement on a particular point, it should be permitted to do so after addressing a request to that effect to the Chairman of the Drafting Committee. Finally, the Chairman nominated Mr. Paul Bamela Engo (Cameroon) as Chairman of the Drafting Committee. The Chairman's nominations and suggestions were approved unanimously by the Special Committee.

23. At the thirty-sixth meeting of the Special Committee, on 4 April 1966, the Chairman suggested that, since the representative of Italy had informed him that he would be unable to replace the representative of Sweden on the Drafting Committee, during the entire period of the absence of the latter from New York, the place of Sweden for the relevant time should be taken by the Netherlands. It was so agreed.

II. 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 Nations⁵

A. WRITTEN PROPOSALS

24. Five written proposals concerning the principle considered in the present chapter were submitted by Czechoslovakia;⁶ jointly by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia; jointly by Australia, Canada, the United Kingdom of Great Britain and Northern Ireland, and the United States of America; by Chile; and jointly by Italy and the Netherlands. The texts of the foregoing proposals are set out below in the order of their submission to the Special Committee.

⁵ An account of the consideration of this principle by the 1964 Special Committee appears in chapter III of its report (A/5746).

⁶ Part I of a draft declaration covering all the principles referred to the 1966 Special Committee. This draft declaration was prefaced by the following preamble:

"The General Assembly,

"Recalling that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

"Recognizing that peaceful coexistence of States, irrespective of their different political, economic and social systems, is an imperative necessity,

"Noting that the conditions prevailing in the world today, marked by profound political, economic and social changes and by enormous scientific progress, give increased importance to the role of general international law and to its fundamental principles governing peaceful coexistence of States,

"Emphasizing that strict and undeviating observance of the principles of international law concerning peaceful coexistence of States is of paramount importance for the maintenance of international peace and security,

"Considering that the progressive development and codification of these principles, so as to secure their universal and effective application, would promote the fulfilment of the purposes of the United Nations,

"Recalling its Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) and its Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (resolution 2131 (XX)),

"Conscious of the significance of the emergence of many new States and of their valuable contribution to the progressive development of international law and its codification,

"Mindful of its authority to consider the general principles of international co-operation in the maintenance of international peace and security and to encourage the progressive development of international law and its codification,

"Solemnly declares the following Principles of International Law concerning Peaceful Coexistence of States, the strict and undeviating observance of which is an essential condition in order to ensure that nations live together in peace with one another:"

The preamble was not discussed in the Special Committee.

25. Proposal by Czechoslovakia (A/AC.125/L.16, part I):

"1. Every State has the duty to refrain in its 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.

"2. Accordingly, the planning, preparation, initiation and waging of wars of aggression constitute international crimes against peace, giving rise to political and material responsibility of States and to penal liability of the perpetrators of those crimes. Any propaganda for war, incitement to or fomenting of war, and any propaganda for preventive war and for striking the first nuclear blow is prohibited.

"3. Every State has the duty to refrain from all armed actions or repressive measures of any kind directed against peoples struggling against colonialism for their freedom and independence.

"4. Every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State.

"5. Every State has the duty to refrain from economic, political or any other form of pressure aimed against the political independence or territorial integrity of any State, and from undertaking acts of reprisal.

"6. All States shall act in such a manner that an agreement for general and complete disarmament under effective international control will be reached as speedily as possible and will be strictly observed, in order to secure full effectiveness for the prohibition of the threat or use of force.

"7. Nothing in the foregoing paragraphs affects the use of force either pursuant to a decision of the Security Council made in conformity with the Charter of the United Nations, or in the exercise of the right of individual or collective self-defence if an armed attack occurs, in accordance with Article 51 of the Charter of the United Nations, or in self-defence of peoples against colonial domination in the exercise of the right of self-determination."

26. Joint proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia (A/AC.125/L.21 and Add.1):

"1. Every State has the duty to refrain in its 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; such threat or use of force shall never be used as a means of settling international issues.

"2. The term 'force' shall include:

"(a) the use by a State of its regular military, naval or air forces and of irregular or voluntary forces;

"(b) all forms of pressure including those of a political and economic character, which have the effect of threatening the territorial integrity or political independence of any State.

"3. Wars of aggression constitute international crimes against peace. Consequently any propaganda which encourages the threat or use of force against the territorial integrity and political independence of another State is prohibited.

"4. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

"5. No threat or use of force shall be permitted to violate the existing boundaries of a State and any situation brought about by such threat or use of force shall not be recognized by other States.

"6. The prohibition of the use of force shall not affect either the use of force pursuant to a decision by a competent organ of the United Nations made in conformity with the Charter, or the right of States to take, in case of armed

attack, measures of individual or collective self-defence in accordance with Article 51 of the Charter, or the right of peoples to self-defence against colonial domination, in the exercise of their right to self-determination.

"7. Nothing in the present chapter shall be construed to include peoples and territories under colonial rule as an integral part of a State."

27. Joint proposals by Australia, Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.22) (this proposal contained in full the text of Paper No. 1 (I) in paragraph 106 of the report of the 1964 Special Committee,⁷ with certain additions which appear in italics in the text given below):

"1. Every State has the duty to refrain in its 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.

"2. In accordance with the foregoing fundamental principle, and without limiting its generality:

"(a) Wars of aggression constitute international crimes against peace.

"(b) Every State has the duty to refrain from organizing or encouraging the organization of irregular or volunteer forces or armed bands within its territory or any other territory for incursions into the territory of another State or across international lines of demarcation, and to refrain from acts of armed reprisal or attack.

"(c) Every State has the duty to refrain from instigating, assisting or organizing civil strife or committing terrorist acts in another State or across international lines of demarcation, or from conniving at or acquiescing in organized activities directed towards such ends, when such acts involve a threat or use of force.

"(d) Every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State or other international lines of demarcation, or as a means of solving its international disputes, including territorial disputes and problems concerning frontiers between States.

"3. Nothing in the foregoing paragraphs is intended to affect the provisions of the Charter concerning the lawful use of force, when undertaken by or under the authority of a competent United Nations organ or by a regional agency acting in accordance with the Charter, or in exercise of the inherent right of individual or collective self-defence."

28. Proposal by Chile (A/AC.125/L.23):

"With reference to the principle set forth in Article 2, paragraph 4, of the Charter of the United Nations, and having regard to the mandate entrusted to the Committee by the General Assembly resolutions 1815 (XVII) and 1966 (XVIII), the following is proposed:

"(a) The formulation of this principle shall not be limited to a commentary on the Charter in the light of its existing provisions but shall take into account the practice followed by States and by the United Nations during the past twenty years;

"(b) The expression 'in their international relations' in the above-mentioned Article 2, paragraph 4, shall exclude from the prohibition the domestic activities of States but the prohibition shall become applicable in the case of a community of human beings struggling for its freedom and independence. Thus the threat or use of force by a colonial Power against a group of human beings under its domination which is struggling for its freedom and self-determination shall be prohibited;

"(c) The expression 'threat of force' shall refer to any action, direct or indirect, whatever the form it may take, which tends to produce in the other State a justified fear that

⁷ See paragraph 8 above, for a summary of the proceedings in the 1964 Special Committee relating to Paper No. 1. The discussion in the 1966 Special Committee on the status of Paper No. 1 is contained in paragraphs 45-52 above.

it or the regional community of which it is a part will be exposed to serious and irreparable harm;

"(d) The term 'force' shall be broadly understood to cover not only armed force, whether individual or collective whether by means of regular or irregular forces and whether by means of armed bands or volunteers, but also all forms of political, economic or other pressure; it shall likewise cover reprisals, which are condemned by the Security Council's resolution of 9 April 1964 (S/5650) as incompatible with the Purposes and Principles of the United Nations.

"(e) The prohibition of the threat or use of force not only shall be established in the interests of the territorial integrity or political independence of all States but also shall be directed against any intention to resort to such threat or use of force in any aspect of international life; it shall constitute a standard of conduct or behaviour of States in their reciprocal relations and it shall apply to all the acts which they carry out, whether or not in the interests of the international community, whether or not in compliance with a treaty or in response to a violation thereof and whether they are directed against a Member or a non-member of the United Nations;

"(f) The prohibition shall therefore include all types of wars of aggression, the use of force in connexion with frontier problems and propaganda for war or for the use of force in any of its forms;

"(g) Whatever the scope and content of the expression 'threat or use of force', legitimate individual or collective self-defence as provided for in Article 51 of the Charter may be resorted to only if an armed attack occurs, without prejudice to the legitimate right of a State which has been threatened with or subjected to a form of force not constituting armed attack to take reasonable measures for its security and the defence of its vital interests and without prejudice to the obligation immediately to report to the competent international authority the threat or pressure to which it has been subjected and the measures taken;

"(h) An exception to the principle set forth in Article 2, paragraph 4, of the Charter shall also be made in cases of the use of force by order of a competent organ of the United Nations or under its authority, or by a regional agency acting with the express authorization of the Security Council (Article 53);

"(i) It shall be expressly declared that contemporary international law in no way recognizes the relevancy or validity of *de facto* situations brought about by the illegal threat or use of force; and

"(j) The practical means of giving effect to Article 2, paragraph 4, of the Charter is to work for general and complete disarmament, with the agreement of all the Powers of the world, without exception, under effective international control and with the prior and fundamental agreement that, even in the event of an armed conflict, the use of all types of nuclear and thermonuclear weapons shall be prohibited as a crime against humanity."

29. Joint proposal by Italy and the Netherlands (A/AC.125/L.24):

"1. The prohibition of the threat or use of force, contained in Article 2, paragraph 4, of the United Nations Charter, must be considered as the expression of a universal legal conviction of the international community.

"2. Accordingly:

"(a) Every State has the duty to refrain in its 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) War of aggression constitutes a crime against peace;

"(c) In particular, every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State or other international lines of demarcation;

"(d) Every State has the duty not only to refrain from the direct threat or use of regular armed forces, but also:

"(i) To refrain from organizing or encouraging the organization of irregular or volunteer armed forces or bands within its territory for incursions into the territory of another State, and

"(ii) To refrain from instigating, assisting, or organizing civil strife or committing terrorist acts in another State, or from conniving at, or acquiescing in, organized activities directed towards such ends, when such acts involve a threat or use of force;

"(e) Every State has the duty to refrain from armed reprisals.

"3. Nothing in the foregoing paragraphs affects the lawful use of force in conformity with the relevant provisions of the United Nations Charter.

"4. In order to ensure the more effective application of the foregoing principle, the Members of the United Nations:

"(a) shall endeavour to make the United Nations security system fully effective and shall comply in good faith with the obligations placed upon them by the Charter with respect to the maintenance of international peace and security;

"(b) should endeavour, to the extent compatible with their relevant constitutional provisions, to prevent the propaganda for aggressive war, or incitement thereto;

"(c) shall comply fully and in good faith with the obligations set forth in the United Nations Charter with respect to the political development of dependent territories, and shall do their utmost, also in the light of General Assembly resolution 1514 (XV) and other relevant resolutions, to ensure the peaceful exercise of self-determination by the inhabitants of dependent territories.

"5. In order to promote the development of the rule of law in the international community, all States should endeavour to secure the early conclusion of a universal treaty of general and complete disarmament, accompanied by the provisions necessary for the effective supervision and control of disarmament measures, for the maintenance of peace and security and for the peaceful settlement of international disputes, and in the meantime shall endeavour to carry out such agreed collateral arms control and disarmament measures as would be susceptible of reducing international tension and of ensuring progress towards general and complete disarmament."

B. DEBATE

1. General comments

30. The principle of the prohibition of the threat or use of force was discussed by the Special Committee at its eighteenth, nineteenth and twenty-first to twenty-sixth meetings, between 21 and 25 March 1966. In the course of the debate on the proposals before the Special Committee, certain representatives made general comments on the principle, and on the manner in which the Committee should proceed. The sponsors of various proposals also made some general remarks on the basis for and purpose of their proposals.

31. It was generally agreed that the principle under discussion was the most important one before the Special Committee, and the corner-stone of peaceful relations among States. The use of force had been the main source of the suffering of mankind. Reviewing the history of the principle, it was recalled that only a few decades ago international law had in effect permitted the use of force in international relations. It had recognized the *jus ad bellum* and had sanctioned the situations resulting from war, the only valid consideration being which State had won. The situation was now different; present-day international law prohibited aggressive war and the use of force against the territorial integrity and political independence of any State. This was a change of immense significance, particularly when

it was borne in mind that, at the turn of the century, the law of war constituted the major part of international law. Thus, at the second Hague Peace Conference in 1907, only two of the fourteen documents signed at the Conference had dealt with peaceful relations. It was the Latin American jurists who had subsequently developed the idea that force should not be the basis of relations among States. They had developed the Drago doctrine, barring the use of force for the recovery of public debts. That concept had therefore been incorporated in The Hague Convention of 1907⁸ and confirmed afresh in the Briand-Kellogg Pact of 1928 (General Treaty for the Renunciation of War).⁹ The principle prohibiting the use of force had received a severe setback with the Second World War, but had reappeared with the formation of the United Nations. It was clearly stated in Article 2, paragraph 4, of the Charter and had been reflected in a large number of international instruments during the last twenty years. Now that the principle had been accepted, it was important that it should be given flesh and blood and should be legally defined in order that peaceful relations among States might be consolidated. The establishment of the prohibition of the threat or use of force had destroyed the traditional separation between international law in time of peace and in time of war.

32. It was also said that, in the Preamble to the Charter, the peoples of the United Nations had affirmed their determination to save succeeding generations from the scourge of war and to unite their strength to maintain international peace and security. As long as some nations were more powerful than others, it was essential to protect the weak against abuse of power by the strong, and that was one of the purposes of the prohibition of the use of force.

33. Speaking on the manner in which the Special Committee should proceed, a number of representatives expressed the view that it was not sufficient to paraphrase and restate the Charter. Full expression should also be given to developments over the last twenty years, and to major international instruments adopted during that time, such as the charters of the Nürnberg¹⁰ and Tokyo¹¹ International Tribunals (1945 and 1946), the resolutions of the General Assembly, and the Declarations of Bandung (1955),¹² Belgrade (1961)¹³ and Cairo (1964).¹⁴ It was also said that the objective of the Special Committee in formulating principles of international law should be to guide and instruct the leaders of States on the conduct of relations with other States. Consequently, the Committee should use language that would be understood by such men and not by jurists alone.

34. Several representatives said that all proposals should be judged by the extent to which they took into account the present situation, and the progress and evolution of international law. In this context, the Special Committee's task was to establish a clear system of juridical guarantees of peaceful coexistence, and it

was required to submit conclusions and recommendations enabling the General Assembly to adopt a declaration. The Committee should therefore prepare a draft declaration for the Assembly's consideration. The adoption by the General Assembly of a solemn declaration would open up new approaches to legal problems within the context of a new awareness of the needs of the contemporary international community.

35. Other representatives drew attention to the need for the Special Committee to confine itself to a study of principles of international law derived from the Charter and General Assembly resolution 1815 (XVII) of 18 December 1962, and not of moral and political principles. This requirement derived from paragraph 2 of resolution 1815 (XVII). The Committee should not yield to the temptation to set up, as "legal principles" principles which had nothing to do with law. The Special Committee would be well advised to follow the methods of the International Law Commission. The subjects studied by the Commission received all the attention they needed, and the Commission had never found it necessary to set up political doctrines as rules of international law. The Committee would be wrong to use its work to amend the Charter; while that instrument might have defects, and many new States had not taken part in drafting it, it was in the essential interests of all Member States to follow the amendment procedure laid down in the Charter itself.

36. It was also said that to enunciate principles *de lege ferenda* disguised as statements of the *lex lata* and to include in existing law elements not in conformity with the present state of the law, would only lead to confusion. The Special Committee must distinguish the work of codification—which implied some degree of progressive development—from that of legislation. It would be unconstitutional for the Committee to undertake legislative work and it would be to no practical purpose.

37. It was argued, furthermore, that a simple majority vote would not result in the formulation of rules of international law. The Committee should strive to reach general agreement, in accordance with the sixth preambular paragraph of General Assembly resolution 2103 A (XX) of 20 December 1963. While the Committee might be entitled to take decisions by a majority vote—and some of the proposals before it seemed designed to lead it to do so on matters of deep disagreement—that method of procedure was certainly not the best one. Any principles it adopted had to command unanimous or almost unanimous support if they were to be acceptable as part of international law. The United Nations was based on the principle of the sovereign equality of States; consequently, on most matters, Member States were not ruled by a majority vote without their consent. If the Organization wanted to interpret the Charter in the light of changing circumstances, it could do so only through a consensus.

38. In response to arguments of the foregoing nature, some representatives said that one of the principal tasks of jurists was to express reality in legal terms. The Special Committee should not therefore merely reaffirm and explain the Charter provisions. To do so would be to ignore the development of international law in the spirit of the Charter. International law could not be entirely divorced from the political context of the contemporary world; it was the sum of the norms governing relations between States, which were political

⁸ J. B. Scott, *The Hague Peace Conferences of 1899 and 1907* (Baltimore, Johns Hopkins University Press, 1909), vol. II, Documents.

⁹ League of Nations, *Treaty Series*, vol. XCIV.

¹⁰ United Nations, *Treaty Series*, vol. 82.

¹¹ International Military Tribunal for the Far East, *Judgement*, annex No. A-5.

¹² *American Foreign Policy, 1950-1951* (Washington, D.C., 1957), vol. II.

¹³ *Journal of the Belgrade Conference*, No. 5, 6 September 1961.

¹⁴ A/5763, mimeographed.

entities, and thus such norms could be defined only in a political context.

39. It was also said that the Special Committee was to perform the task of progressive development of international law and its codification entrusted to the General Assembly by Article 13 of the Charter. There was no question of revising the Charter, except by the special procedure provided for that purpose. However, proposals should not be rejected out of hand, simply because they were alleged by some delegations to be contrary to the Charter.

40. The representative of Czechoslovakia, introducing his draft declaration (see para. 25 above), said that it was based on the idea that the purposes and principles of the Charter should govern the behaviour of States and that peaceful coexistence among States, whatever their political, economic or social systems, was essential if mankind was to prosper or even survive. The draft declaration was based on progressive legal concepts. It sought to embody the basic idea that any declaration adopted by the Assembly should translate into law the duty of all nations to adopt an uncompromising attitude against war, colonial domination and anything which might endanger the security, well-being and freedom of nations. It also sought to reshape the principles of international law so that they correspond more closely to the needs of the international community, taking into account, in particular, the important contribution which newly independent States had made to the development of those principles.

41. In explanation of the joint proposal of Argentina, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (see para. 26 above), the sponsors said that they had attempted to take into account views put forward on the subject by international lawyers and by Governments and in documents emanating from various regions of the world. The draft set out to prohibit force as a means of settling international issues, and to define the meaning of the term "force"; it made clear that force could be tolerated only as an instrument for the preservation of peace. It had been prepared on the basis of the provisions of the Charter and the evolution of the juridical system of the United Nations in such a way as to reflect the contemporary needs of the majority of States.

42. Sponsors of the joint proposal of Australia, Canada, the United Kingdom and the United States (see para. 27 above) said that their proposal proceeded from the basic assumption that a certain degree of progress had been made by the 1964 Special Committee on the formulation of the prohibition of the threat or use of force, as reflected in Paper No. 1 prepared by the Drafting Committee of the 1964 Committee (see also paras. 45-52 below). Although some delegations might consider the formulation of points of consensus in Paper No. 1 as incomplete, these sponsors still thought that it constituted a clear expression of existing law. They had therefore taken it as the basis for their efforts, making certain improvements which they consider necessary, in the form of certain additions to the text of Paper No. 1. from which, however, nothing had been deleted.

43. The representative of Chile explained that his proposal (see para. 28 above) was based on the understanding that the formulation of the prohibition of the threat or use of force should not be limited to a commentary on the Charter, but should take account of

the practice followed by States and by the United Nations during the past twenty years. The proposal was also based on the understanding that the principle in question protected the territorial integrity and political independence of all States and was also directed against the threat or use of force in any aspect of international life. The principle constituted a standard of conduct of States in their reciprocal relations and applied to all acts, whether or not such acts were in the interest of the State which carried them out, whether or not they were carried out in implementation of a treaty or in response to a violation of it, and whether they were directed against a Member or a non-member of the United Nations.

44. With respect to the joint proposal of Italy and the Netherlands (see para. 29 above), its sponsors explained that its provisions had been drawn up to take account of: the points of consensus contained in Paper No. 1 prepared by the Drafting Committee of the 1964 Special Committee; other important points not included in that consensus; and the need to make a clear distinction between *lex lata* and *lex ferenda*. The proposal was meant to contribute to a new consensus by admitting statements of progressive development of the law while at the same time making it clear that there was a certain gradation in the legal character of the various norms enunciated in the proposal.

2. Status of Paper No. 1 by the Drafting Committee of the 1964 Special Committee

45. As already mentioned in paragraph 8 of chapter I of the present report, the Drafting Committee of the 1964 Special Committee had prepared, with respect to the principle of the prohibition of the threat or use of force, a draft text formulating points of consensus, and a list itemizing the various proposals and views on which there was no consensus but for which there was support (Paper No. 1, A/5746, para. 106). However, the 1964 Special Committee had given priority to, and had adopted, another Drafting Committee paper (Paper No. 2, A/5746, para. 106), stating that there was no consensus on the scope or content of the principle concerned.

46. There was considerable discussion in the 1966 Special Committee as to the place it should accord in its work to the points of consensus set out in Paper No. 1 prepared by the 1964 Drafting Committee.

47. Some representatives were of the view that Paper No. 1 of the 1964 Drafting Committee should be taken as the basis for the work of the 1966 Special Committee. They said that although that text had not received any formal stamp of approval from the 1964 Special Committee, that Committee had very nearly agreed on the compromise text of points of consensus. The United States delegation which had accepted that text *ad referendum* in the 1964 Drafting Committee, had by the end of the 1964 session been unable to agree to one phrase; subsequently, however, at the twentieth session of the General Assembly, the United States delegation to the Sixth Committee had announced its willingness to accept all those points, and thus the text in question had eventually been approved by all who had participated in the session of the 1964 Special Committee.

48. In support of the same point of view, a number of representatives said that the text in Paper No. 1 of the 1964 Drafting Committee represented a substantial

"measure of progress", to which the 1966 Special Committee was required to give "full regard" in accordance with operative paragraph 4 (a) of General Assembly resolution 2103 A (XX). It had been properly before the 1964 Special Committee since that Committee had had to adopt a motion for priority before the later document of the Drafting Committee had been adopted. It was further said that Paper No. 1 represented a formulation of *lex lata*, to which the 1966 Special Committee might seek to add some additional points on which consensus could be achieved even if they were presented as being expressions of the *lex ferenda* rather than of *lex lata*.

49. It was argued that it would be a retrograde step to discount entirely the measure of progress which had been achieved after long and arduous negotiations in the 1964 Special Committee, in its Drafting Committee and informal working groups. Furthermore, it would not assist the work of the 1966 Special Committee to revert to proposals on which it was clear from the report of the 1964 Special Committee that no consensus could be reached. While every delegation had the right to submit such proposals, it was questionable whether they were consistent with the intent of the General Assembly as expressed in resolution 2103 A (XX).

50. One representative was of the opinion that, while the text in Paper No. 1 represented a real effort to reach agreement, the 1966 Special Committee should not treat it as a kind of *res judicata*, in view of the provisions in the sixth preambular paragraph of General Assembly resolution 2103 A (XX), which stressed the significance of continuing efforts to reach agreement "at every stage" of the process of elaboration of the principle.

51. Another representative thought that the 1966 Special Committee should not consider itself bound by the points agreed upon in 1964, and he said that his delegation, like others at that time, had had reservations on parts of the text which could not be considered in isolation from other provisions which should have been included.

52. Other representatives stressed that the only text adopted by the 1964 Special Committee indicated that it had been unable to adopt any consensus. One representative said that, as he recalled the situation in 1964, the Drafting Committee's text of "points of consensus" had been introduced in the 1964 Special Committee on the understanding that it would be validly before the Committee only after all members of the Drafting Committee had given their final agreement. The United States delegation had not agreed to the text and therefore it had, legally speaking, "fallen by the wayside". His own delegation, which had not been on the Drafting Committee in 1964, could not accept any text on which it had not been able to express its views or to vote.

3. Meaning of the term "in their international relations"

53. The proposal of Chile (see para. 28 above) contained a provision to the effect that the expression "in their international relations" excluded from the prohibition on the threat or use of force the domestic activities of States, but that the prohibition should become applicable in the case of a community of human beings struggling for its freedom and independence.

54. Such discussion of the phrase "in their international relations" as took place was within the context

of the legal uses of force, in particular, the use of force in self-defence against colonial domination. The debate on this topic is therefore to be found in paragraphs 136-153 below. In addition, one representative suggested that the Special Committee should consider the possibility of mentioning, in any formulation that it adopted, that the prohibition on the threat or use of force did not in any way affect the use of force within a State.

4. Meaning of the terms "threat of force" and "use of force"

55. The proposal of Chile (see para. 28 above) contained a provision in sub-paragraph (c) to the effect that the expression "threat of force" should refer to any action by a State which tended to produce in another State a justified fear that it or the regional community of which it was a part would be exposed to serious and irreparable harm.

56. A few representatives commented on the terms "threat of force" and "use of force". One representative said that his delegation understood that the term "threat" referred to a previous announcement of an act of violence for the purpose of intimidating a State into changing its policies. Such threats could be issued verbally through the Press or by radio, or they could take the form of acts of commission or omission. The fact that a State might concentrate its troops in a border area, for example, might constitute a threat to another country. Acts of omission could also constitute threats, as for example, through the complete or partial interruption of economic relations and of means of communication. The same representative said that attention should be given to the question of provocation, although it was not expressly mentioned in the Charter. In the view of his delegation, it should be placed on the same footing as the threat or use of force. One State might provoke another State into actually attacking it, so as to present the latter State as the guilty party under international law. Provocation could be considered as lying half-way between the "threat" and the "use" of force. It was particularly pernicious since it involved an analysis of the real motives for the use of force and such analysis was not always based on objective criteria.

5. General statement of the prohibition of the threat or use of force

57. Paragraph 1 in the proposals of Czechoslovakia; of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia; and of Australia, Canada, the United Kingdom and the United States (see paras. 25-27 above) contained general statements of the prohibition of the threat or use of force transcribing the words of Article 2, paragraph 4, of the Charter. The second of these proposals also contained an addition to the effect that "such use of force shall never be used as a means of settling international issues". Sub-paragraph (c) in the proposal of Chile (see para. 28 above) was to the effect that the prohibition of the threat or use of force should, beyond the express provisions of Article 2, paragraph 4, of the Charter, extend to any intention to resort to the threat or use of force in any aspect of international life. Paragraphs 1 and 2 (a) in the proposal of Italy and the Netherlands (see para. 29 above), was to the effect that the prohibition contained in Article 2, paragraph 4, of the Charter must be considered as a universal conviction of the international

community. This statement was then followed by a transcription of Article 2, paragraph 4, of the Charter.

58. It was generally agreed that a general statement of the principle of the prohibition of the threat or use of force, transcribing Article 2, paragraph 4, of the Charter, but extending the obligation therein to all States and not only Members of the United Nations, would be acceptable to all members of the Committee. It was said that the addition, in one formulation, of reference to the fact that use of force should never be used as a means of settling international issues was simply a corollary of the acceptance of the principle contained in Article 2, paragraph 4, of the Charter. One delegation supported the addition of these words as reflecting the ideas set forth in the Briand-Kellogg Pact and the Rio de Janeiro Anti-War Treaty.¹⁵

59. With respect to the proposal which formulated Article 2, paragraph 4, of the Charter as a "universal legal conviction", it was said that this provision, far from reflecting legal scepticism as had been suggested by one representative, was designed to extend the prohibition, as a rule of general international law, beyond the circle of the States Members of the United Nations to all States.

6. Definition of the term "force"

(a) *Armed force: regular and irregular or volunteer forces; armed bands and indirect aggression*

60. The proposal of Czechoslovakia (see para. 25 above) made only general reference to "armed force" and did not seek to define the forms of such force coming within the scope of the prohibition of the threat or use of force. Paragraph 2 in the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (see para. 26 above) contained a provision to the effect that the term "force" included the use of regular military, naval or air forces and of irregular or voluntary forces. Sub-paragraphs 2 (b) and (c) in the proposal of Australia, Canada, the United Kingdom and the United States and sub-paragraph 2 (d) in the proposal of Italy and the Netherlands (see paras. 27 and 29 above) contained provisions relating to the organization of irregular or volunteer forces or armed bands for incursion into the territory of another State and to acts encouraging civil strife in other States and acts of terrorism. Sub-paragraph (d) in the proposal of Chile (see para. 28 above) referred to armed force, whether individual or collective and to regular or irregular forces, armed bands and volunteers.

61. The various definitions of armed force were not the subject of much direct discussion in the Special Committee, although some references were made to these definitions in the debate on other subjects, such as the inclusion, in the term "force", of economic, political and other forms of pressure and the legal uses of force. Two related points, which occasioned some direct comments or were the subject of certain separate provisions, namely acts of reprisal and violation of international lines of demarcation, are considered separately below, in paragraphs 90-97.

62. Some representatives, speaking directly on the definitions of "armed force", expressed the view that there should be no difficulty in including therein regular

military, naval or air forces and irregular or volunteer forces. Other representatives said that the term "armed force" did not cover irregular or volunteer forces. One representative suggested that the reference to "civil strife" in two of the proposals might be omitted, and the matter dealt with under the principle of non-intervention, in view of the provisions on this subject in the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty adopted by the General Assembly on 2 December 1965 (resolution 2131 (XX)).

63. In answer to a question why terrorism had been included in some of the enumerations of armed force, it was said that terrorism was so common today that it was impossible not to condemn it equally with the use of force in other forms. It was also said that the terms of Article 2, paragraph 4, of the Charter were very broad, and the enumeration, without limiting the generality of those terms, of certain forms of armed force was intended to provide particular examples of uses of force which were "inconsistent with the purposes of the United Nations".

(b) *Economic, political and other forms of pressure or coercion*

64. Paragraph 5 in the proposal of Czechoslovakia (see para. 25 above) and sub-paragraph 2 (b) in the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (see para. 26 above) contained provisions to the effect that economic, political and other forms of pressure against the territorial integrity or political independence of any State were prohibited uses of force. In sub-paragraphs (a) and (d) of the proposal of Chile (see para. 28 above) provisions were included to the effect that the principle under consideration should be formulated in the light of the practice of States and of the United Nations during the past twenty years and that the term "force" should be broadly understood to cover not only armed force, but also all forms of political, economic or other pressure.

65. Extensive discussion took place in the 1966 Special Committee, as had been the case in the 1964 Special Committee, on whether the term "force" was limited to armed force or extended to economic, political and other forms of pressure. The issue was once more debated in the light of the interpretation and legislative history of Article 2, paragraph 4, of the Charter and other relevant Charter Articles, and of developments since the Charter and the current requirements of the world community.

66. Those representatives who supported the inclusion in the term "force" of economic, political and other forms of pressure said that Article 2, paragraph 4, of the Charter was not limited to armed force. The authors of the Charter would have qualified the term "force" by the word "armed" in that Article if such a limitation had been their intention, as was clear from other Articles of the Charter. Express reference to "armed force" appeared in the Preamble and in Articles 41, 42, 43, 44 and 46 of the Charter, where it was clearly the intention to limit the term "force". Distinguished jurists, such as Kelsen,¹⁶ supported the view that the use of force under Article 2, paragraph 4, of

¹⁵ League of Nations, *Treaty Series*, vol. CLXIII.

¹⁶ M. Kelsen, *The Law of the United Nations* (New York, Praeger, 1950).

the Charter included both use of arms and violations of international law which involved an exercise of power in the territorial domain of other States without the use of arms.

67. Other representatives, however, said that Article 2, paragraph 4, was limited by its authors to armed force. This was clear from the rejection by the San Francisco Conference of an amendment by Brazil to extend the prohibition contained in Article 2, paragraph 4, by adding the words "and the threat or use of economic measures". Furthermore, in addition to the evidence contained in *travaux préparatoires*, the text of the Charter itself did not support the argument that its authors had, in all instances, qualified the term force by the word "armed", where this had been their intention. For example, Article 44 opened with the words "When the Security Council has decided to use force". That the "force" here referred to was clearly "armed force" emerged from the remainder of the Article which referred to "the employment of contingents".

68. It was further argued that the same conclusion emerged from the seventh preambular paragraph of the Charter, which referred to ensuring, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. The principles accepted in that paragraph were those obliging Member States to refrain from the threat or use of force, and the methods instituted to ensure the force was not used except in the common interest were the methods provided in Article 42 of the Charter. It followed, therefore, that the "force" which the United Nations could use in accordance with the provisions of Chapter VII were the same as the force which Members were prohibited from using under Article 2, paragraph 4.

69. It was said that, while no one would wish to defend pressure which had the effect of threatening the territorial integrity or political independence of States, such pressures should be discussed in connexion with the principle of non-intervention, and not in connexion with Article 2, paragraph 4, of the Charter. The question of methods of coercion not involving armed force was covered by other Articles of the Charter and it did no service to the task of the codification and development of international law to create unnecessary overlapping. Forms of pressure not involving the use of armed force could not be put on exactly the same level as the use of armed force. They were not treated on the same level in any legal system; and, indeed, the Preamble of the Charter, by referring to the "scourge of war", clearly considered the threat or use of armed force as a distinct form of reprehensible conduct.

70. One representative saw no legal difficulty in including certain economic and political pressures in the definition of force. However, in view of the link between the principle of the prohibition of the use of force and the provisions of Article 51 of the Charter relating to self-defence, he stressed that his delegation did not want the extension of the term "force" to affect the scope of those provisions, which should be as limited as possible.

71. Many representatives emphasized the need to interpret the term "force" in the light of developments subsequent to the drafting of the Charter. One of these representatives argued that interpreting terms sometimes meant extending their meanings. Thus, for example, the primary meaning of the term "force" used in the Charter was obviously armed force, but new

forms of force had arisen which the drafters of the Charter would certainly have taken into consideration if they had existed twenty years earlier. If a choice had to be made between stretching words or opening the way to violations of the rights of States, it was the first alternative which should be selected. Another representative, sharing a similar view, said that the key to the definition of the term "force" in Article 2, paragraph 4, of the Charter was to be found in the words appearing in that paragraph "in any other manner inconsistent with the Purposes of the United Nations". If the term "force" was defined in relation to that phrase, the limited definition was unacceptable in 1966.

72. It was further said that the realities of the international situation required an interpretation of the term "force" extending beyond armed force. It was idle to pretend that pressures of an economic and political character did not constitute a use of force as harmful as armed force itself and that such pressures were equally incompatible with the spirit and purposes of the United Nations Charter. They could easily aggravate an international dispute and thus lead to breaches of the peace and pose a threat to international peace and security. The developing and newly independent countries could not forget that such forms of pressure had long been used to coerce them, against their will. Proof of that was to be found, for example, in the records of the United Nations Conference on Trade and Development: economic exploitation, political interference, threats to withdraw technical assistance—all those means had been employed to compromise the sovereignty of the developing States. The Special Committee should make it clear what it was that actually contributed to the deterioration of relations among States, and impaired friendly relations and co-operation. In the contemporary world the importance of economic relations among States was so great that economic pressures could often have a serious impact on States, and powerful States could strangle weaker States to the point of threatening their political independence and territorial integrity.

73. Reference was made to the fact that the Bandung, Belgrade and Cairo Declarations and the Charter of the Organization of African Unity¹⁷ had all recognized the duty of States to refrain from economic or other forms of pressure.

74. It was also argued that, in interpreting the Charter, it was necessary to take into account the views of the majority of Member States, and that a broad definition of the term "force" should be found. The definition should be broad enough to cover the principle of the renunciation of the threat or use of force and the principle of non-intervention. The demarcation line between those two principles should be indicated on the basis of the separate domains to which each related: that of territorial integrity and political independence in the case of the first principle, and that of the free and unhindered development of States within the context of such independence and integrity in the case of the second.

75. On the other hand, it was argued that, apart from basic legal objections to the inclusion of economic and political pressures in the definition of force, there was no legally satisfactory definition of economic and political pressures. The fact that such terms might give rise to differences of interpretation might in certain

¹⁷ United Nations, *Treaty Series*, Volume 479.

circumstances itself constitute a threat to peace. No useful purpose would be served by any tendency on the part of the Special Committee to turn any of the principles before it into a more or less indiscriminate catalogue of legal, moral and political wrongs.

76. One representative drew attention to the fact that article 2 of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (General Assembly resolution 2131 (XX)) prohibited economic, political and other forms of coercion. He suggested that, since the Committee had decided (see para. 341 below) to abide by resolution 2131 (XX) in its elaboration of the principle of non-intervention, it was perhaps unnecessary to refer to such forms of coercion in the principle on the prohibition of the threat or use of force.

7. Wars of aggression

77. All the proposals before the Special Committee contained provisions relating to wars of aggression: paragraph 2 in the proposal of Czechoslovakia; paragraph 3 in the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia; sub-paragraph 2 (a) in the proposal of Australia, Canada, the United Kingdom and the United States; sub-paragraph (f) in the proposal of Chile; and sub-paragraph 2 (b) in the proposal of Italy and the Netherlands (see paragraphs 25-29 above). The second, third and fourth of these proposals contained formulations to the effect that wars of aggression constituted crimes against peace. The proposal of Czechoslovakia contained provisions on State and individual responsibility for the planning, preparation, initiation and waging of wars of aggression. The proposal of Chile referred to the prohibition of all types of wars of aggression.

78. It was generally agreed that wars of aggression constituted crimes against peace, as recognized in the charters of the International Military Tribunals of Nürnberg and for the Far East. However, some representatives expressed doubts as to whether any formulation adopted by the Special Committee should refer to the responsibilities of States or of individuals in this connexion. It was said that there was very considerable disagreement on the precise definition of aggression and many distinguished jurists had so far failed in the attempt to find a satisfactory definition of that concept. In the absence of such a definition, no international tribunal could satisfactorily establish whether or not penal liability, or even political and material responsibility, had been incurred. Reference to such liability or responsibility did not necessarily make the condemnation of wars of aggression more effective.

79. On the other hand, certain representatives said that reference to the planning, preparation, initiation and waging of wars of aggression and to the material and penal responsibility arising out of these actions was in full accord with article 6 (a) of the charter of the Nürnberg Tribunal and articles 5 and 6 of the charter of the International Military Tribunal for the Far East. The ideas expressed in these articles were now generally accepted in international law and had been confirmed by General Assembly resolution 95 (I) of 11 December 1946. It was important to state that wars of aggression constituted crimes against peace

and also to mention the responsibility of States and leaders for such crimes. A legal doctrine which defined a crime but did not mention the penal liability of its perpetrators would be incomplete.

80. It was also said that the term "aggression" was in current use in various international instruments and in statements and declarations of States. It appeared in Chapter VII of the Charter of the United Nations and in the charters of the International Military Tribunals. The contention that no agreement existed on the basic concept of aggression was unfounded: although there was a divergence of opinion on some subsidiary elements of the concept, its substance—armed attack by one State upon another—was incontestable. The definition of "aggression" in the London Convention of 1933¹⁸ had gained general recognition, and had served the Nürnberg Tribunal as a guide. In momentous cases of armed attack, such as those resulting in the Second World War, everyone had easily determined which State was the aggressor and which the victim.

81. One representative, who preferred a broader elaboration on the subject of wars of aggression rather than a reference to them solely as crimes against peace, suggested that the Statute and Judgements of the Nürnberg Tribunal could serve as a good basis for such a formulation. Another representative suggested that the word "international" before the word "crimes" in certain proposals should be omitted. It seemed superfluous in view of the nature of the acts, and could give rise to doctrinal arguments concerning the lawfulness of incriminating individuals, about which there should be no doubt.

8. War propaganda

82. Four of the proposals before the Special Committee containing provisions on wars of aggression were linked with provisions prohibiting war propaganda or propaganda encouraging the threat or use of force against the territorial integrity or political independence of States: Czechoslovakia (in paragraph 2 of its proposal; see para. 25 above); Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, the United Arab Republic and Yugoslavia (in paragraph 3 of their proposal; see para. 26 above); Chile (in sub-paragraph (b) of its proposal; see para. 28 above). The proposal of Czechoslovakia included in this prohibition any propaganda for striking the first nuclear blow. The proposal of Italy and the Netherlands (see para. 29 above) contained a separate paragraph (b) to the effect that States should endeavour, to the extent compatible with their relevant constitutional provisions, to prevent propaganda for aggressive war.

83. Representatives favouring one or other of these formulations said that no delegation could deny the harm that propaganda of the foregoing nature could do to relations among States; incitement to rebellion, lies and calumnies were flagrant examples of violations of the primary rules governing such relations. Many United Nations bodies had affirmed that States should desist from propaganda against other States in order to promote friendly relations and co-operation among States. In its resolution 110 (II) of 3 November 1947 the General Assembly had strongly condemned war propaganda. The effect which war propaganda could have on international relations could not be exaggerated.

¹⁸ League of Nations, *Treaty Series*, vol. CXLVII.

gerated; one had only to recall the role assigned to it by the Government of the Third Reich.

84. Several representatives said that their national legislation prohibited war propaganda, and provided heavy penalties for those who engaged in such propaganda. Propaganda should not be confused with freedom of speech. All States had limited freedom of speech in certain areas. It was therefore entirely reasonable to prohibit propaganda for war. Aggressive war was a crime. Propaganda for aggressive war was therefore propaganda for the commission of a crime. Incitement to crime was certainly not legally permissible, or compatible with constitutional provisions in various States. In international law the prohibition of war propaganda was a logical corollary of the prohibition of the threat or use of force, as it was part of the preparation for a war of aggression and was thus an illegal act.

85. Certain representatives, while supporting a condemnation of the use of propaganda for the purpose of provoking conflicts among States, considered that peoples who had been despoiled of their territories could legitimately expect to be supported in their struggle for liberation. Action taken to inform world opinion about the misdeeds of colonial Powers should not be interpreted as war propaganda. On the contrary, the purpose of such action was to expose a situation based on injustice and supported by force, and to support the struggle of peoples under foreign domination in the exercise of their right of self-determination.

86. One representative said that any formulation on war propaganda should seek to reconcile the control of such propaganda with certain fundamental rights and freedoms. Other representatives did not favour mention of any prohibition of war propaganda in the formulation of the principle concerned. It was said that such a prohibition was controversial and should therefore be omitted. While propaganda inciting to war or preventive war was reprehensible, most of the proposals before the Special Committee were silent on the subject of propaganda directed towards the violent overthrow, by subversive means, of established Governments in other States. In addition, whether or not particular material constituted propaganda for war was inevitably a matter for subjective interpretation. The question of the condemnation of war propaganda did not arise from Article 2, paragraph 4, of the Charter, and there was no need to formulate in juridical terms the political and moral condemnation of the General Assembly contained in its resolution 110 (II).

87. It was also said that if the proposals before the Special Committee were intended to cover the expression of private political views they would create serious constitutional difficulties for some States. Furthermore, while a State could, by official utterances on its behalf, become an accomplice to the violation of Article 2, paragraph 4, of the Charter, the question of a legal duty to prevent propaganda was quite another matter. It raised grave constitutional questions for countries with effective guarantees of the right of free speech.

88. Some comment was also made on the reference, in one of the proposals before the Special Committee, to the question of propaganda for striking the first nuclear blow. Several representatives said that a specific mention of such propaganda was necessary because of the disastrous effects of nuclear weapons. On the other hand, it was argued that whether or not particular

material was propaganda to this effect would involve a subjective interpretation.

89. One representative thought that the Special Committee should consider, in connexion with the principle under discussion, the special character of nuclear and thermonuclear weapons from the point of view of the international juridical order, notwithstanding the fact that the question was under consideration in other organs. While the solution might be found by the total prohibition of such weapons, this did not exclude a legal expression of disapproval of the use of nuclear weapons, which was today the gravest form of the use of force and should therefore be defined by the international community as an international crime.

9. Acts of reprisal

90. Paragraph 5 in the proposals of Czechoslovakia; sub-paragraph 2 (b) in the proposal of Australia, Canada, the United Kingdom and the United States; sub-paragraph (d) in the proposals of Chile; and sub-paragraph 2 (e) in the proposal of Italy and the Netherlands all contained provisions prohibiting acts of reprisal, or acts of armed reprisal and attack (for text, see paras. 25-29 above).

91. There was no extensive discussion of these provisions in the Special Committee, all the representatives who spoke on the subject being in favour of some formulation on this matter. It was said that, as the Security Council had expressly declared reprisals to be incompatible with the purposes and principles of the Charter in its resolution 188 (1964) of 4 April 1964, the Special Committee should mention a prohibition of reprisals in any text on the principle under consideration. It was also suggested that the relationship between the violation of frontiers or lines of demarcation, and the reaction which it provoked, should be brought out in the prohibitions of such violations and of armed reprisals.

10. Use of force in territorial disputes and boundary claims

92. All the proposals before the Special Committee (for text, see paras. 25-29 above) contained provisions prohibiting the use of force in territorial disputes and boundary claims. The proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia (see para. 26 above) also contained a phrase in its paragraph 5 relating to the non-recognition of situations brought about by such use of force. The comments made on this latter point are considered in paragraphs 98 to 103 below, in connexion with a similar provision by the same sponsors in paragraph 4 of their draft. The proposals of Australia, Canada, United Kingdom and United States (see para. 27 above) and of Italy and the Netherlands (see para. 29 above) made express reference to "international lines of demarcation" in their formulations of this prohibition. This reference was also contained in sub-paragraphs 2 (b) and (c) of the first of the proposals just mentioned. For purposes of convenience, comments made on it are grouped in the present section.

93. It was generally agreed that the use of force to violate the boundaries of a State should be included in any formulation adopted by the Special Committee. Several representatives stressed that it was the policy of their Governments to settle territorial disputes by peaceful means, and attention was drawn to the fact

that formulations on the matter under discussion appeared in the charter of the Organization of African Unity and in the programme for peace and international co-operation adopted at Cairo in 1964.

94. The point which gave rise to most discussion was whether the formulation to be adopted by the Special Committee should contain express mention of "international lines of demarcation". One representative asked why this reference had been inserted in several proposals. He trusted that it was not the intention of the sponsors to propose that demarcation lines should fall within the concept of territorial inviolability or to sanction under international law demarcation lines that included portions of other States and lands of other peoples, or make demarcation lines, which included armistice lines, into final boundaries.

95. In reply, it was said that the term "boundary" was ambiguous, and might raise the question whether the prohibition of the threat or use of force extended to such lines of demarcation. There were situations in which the maintenance of peace depended on respect for international lines of demarcation, which were, however, not official frontiers. Some of these lines were under United Nations supervision and the Organization had, in fact, encountered greater difficulty in connexion with international lines of demarcation than in connexion with national frontiers.

96. It was also argued that it was not the aim of the provisions referring to such lines to imply some kind of guarantee of territorial integrity. Such lines had been established in accordance with international law and *de facto* divided the exercise of territorial sovereignty between two States for the duration of the existence of the lines. The question of the prohibition of force across these lines was unrelated to the question of their duration. The point of making the prohibition explicit in respect to such lines was to help ensure that they would serve their purpose which, in many cases, had been to bring about a halt in the use of force so that the methods of peaceful settlement envisaged in the Charter could operate.

97. The representative who had requested the above explanations, however, continued to be of the view that explicit reference should not be made to international lines of demarcation. He did not see how words that had no standard definition in international law could be turned into a legal concept. An armistice agreement did not terminate a state of belligerency. Concern naturally arose when it was proposed that international lines of demarcation were to be equated with the concept of State boundaries and hence with territorial inviolability. Difficult political issues were also involved.

11. *Inviolability of State territory and non-recognition of situations brought about by use of force*

98. Paragraph 4 in the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia (see para. 26 above) contained a provision on the inviolability of State territory and prohibiting military occupation or other measures of force by one State against the territory of another State. It also provided that no territorial acquisitions or special advantages obtained by force or other means of coercion should be recognized. A provision on non-recognition of situations brought about by the illegal threat or use

of force was also contained in sub-paragraph (i) of the proposal of Chile (see para. 28 above).

99. It was explained that the first of the above-mentioned proposals reproduced the text of article 17 of the Charter of the Organization of American States of 30 April 1948¹⁹ and a number of representatives welcomed express reference to the inviolability of State territory, which was also referred to in the charter of the Organization of African Unity and the Cairo Declaration. Differences of opinion emerged, however, over the question of non-recognition of situations brought about by the threat or use of force.

100. In favour of a provision on this latter point, it was said that it was already included in many international instruments and declarations. It appeared in articles 5 (e) and 17 of the charter of the Organization of American States and articles 9 and 11 of the draft Declaration on the Rights and Duties of States.²⁰ Non-recognition of territorial acquisitions obtained by force was simply a juridical and obligatory consequence of the inviolability of the territory of a State. An explicit reference to such non-recognition would protect the smaller States which had been victims of coercive measures which had resulted in the arbitrary detachment of parts of their national territory. Territorial questions should not be resolved by force, and it would be in the interest of the peaceful settlement of such questions to declare that territorial acquisitions acquired by force should not be recognized.

101. On the other hand, it was argued that, while the doctrine of non-recognition of factual situations was superficially attractive, it was doubtful whether it would work in practice. It was the task of the Special Committee to create norms which could be valid in the practical conduct of international relations, and the Committee should not blind itself to the realities of the modern world. Furthermore, past history had shown that the doctrine of collective non-recognition was not satisfactory. In the case of hostilities, States would be bound by such a doctrine to take a stand on which State was guilty of resorting to force, so that its acquisitions should not be recognized. Given the different evaluations which could arise in such situations, the doctrine of non-recognition could have serious political and juridical consequences. If it were to have retroactive application, for example to 1945, its consequences could be disastrous.

102. It was also said that, where there was an illegal use of force, States might take one of three attitudes: first, conduct amounting to support—after the fact—of the illegal conquest; second, *restitutio in integrum* by means of the application of force, possibly by United Nations organs; and third, efforts to remedy the wrong done by peaceful means, which implied resignation for the time being to the fact that a territory was under the power of a particular Government. The first attitude was obviously reprehensible, but the choice between the second and the third was a difficult matter of political judgement concerning the situation existing at the time. It was difficult to exclude *a priori* the third attitude of trying to find a peaceful solution; yet, taken literally, the duty of non-recognition would do so.

103. In response, it was argued that all that was being proposed was that the acts of an aggressor should

¹⁹ United Nations, *Treaty Series*, vol. 119.

²⁰ *Yearbook of the International Law Commission, 1949*, vol. I (United Nations publication, Sales No.: 57.V.I.).

not be recognized. It could not be agreed that, in the supposed interests of international peace and security, recognition should be given to situations brought about by the threat or use of force. Such a practice would be an open invitation to aggression.

12. *Disarmament*

104. Paragraph 6 in the proposal of Czechoslovakia; sub-paragraph (j) in the proposal of Chile; and paragraph 5 in the proposal of Italy and the Netherlands (see paras. 25, 28 and 29 above) contained provisions relating to disarmament as a means, *inter alia*, of giving practical effect to Article 2, paragraph 4, of the Charter. Certain representatives were of the opinion that current international law permitted one to speak of "a law of disarmament", and they stressed the importance which their Governments attached to general and complete disarmament, which was an essential and urgent requirement for the elimination of the threat or use of force in international relations, particularly in view of the enormous development of nuclear weapons.

105. One representative declared that Lenin had stated disarmament to be an ideal of socialism in 1916, and that his Government had proposed general and complete disarmament at the Genoa Conference in 1922, this being the first occasion on which an official proposal on the subject had been made at the international level. The armaments race was a luxury which modern society could not afford when thousands were dying of hunger and millions of others went uneducated. Another representative referred to proposals by his Government for the establishment of a denuclearized zone in Central Europe.

106. The aforementioned representatives also stressed that the idea of disarmament, which must be universal, was no novelty for the United Nations. Article 11 and Article 47, paragraph 1, of the Charter mentioned the need to achieve disarmament, and many resolutions had been adopted on the subject, including General Assembly resolutions 41 (I) of 14 December 1946, 808 (IX) of 4 November 1954, 1378 (XIV) of 20 November 1959, 1884 (XVIII) of 17 October 1963 and 1908 (XVIII) of 27 November 1963. Furthermore, the aim of disarmament was proclaimed in the preamble of the Moscow Treaty of 5 August 1963 banning nuclear weapon tests in the atmosphere, in outer space and under water.²¹ In the light of the decisions of the United Nations, and the rules of international law relating to the question of disarmament—such as the rules governing neutralization and demilitarization of territories and those relating to outer space and demilitarized zones—disarmament had become a legal as well as a political question.

107. Other representatives, however, while upholding the need for disarmament, were opposed to provisions on the subject which attempted to transform into a rule of international law something which properly belonged to the subjective will of States. They were also opposed to provisions which asserted or implied a duty on the part of States to disarm or to adopt particular kinds of disarmament measures. The Special Committee's task was to discuss the elements of the duty to refrain from the threat or use of force in accordance with the Charter. It was also clear that the Charter neither specifically nor by implication required that States should disarm or agree to particular dis-

armament measures. Furthermore, the postulation of a duty to disarm would not be very meaningful, nor would it facilitate disarmament negotiations. The Special Committee should avoid any action which might prejudice the results of negotiations on disarmament taking place in other bodies properly charged with responsibility in the field of disarmament, such as the Eighteen-Nation Committee on Disarmament.

108. One representative considered that provisions relating to disarmament might more logically be considered in connexion with the principle concerning the duty of States to co-operate with one another.

109. Some representatives considered that the Special Committee should adopt a provision on disarmament which took into account the fact that disarmament was a political objective and not a legal duty under the Charter or general international law. In this regard, one of these representatives said that disarmament must be universal, and not limited to Members of the United Nations: it could be envisaged not only in general terms but also in terms of partial or collateral measures. A treaty of general and complete disarmament must be accompanied by adequate international control, and by parallel steps, particularly with regard to peace-keeping, the settlement of international disputes and peaceful change. Disarmament was thus closely bound up with sweeping reforms in international law.

13. *Provisions relating to dependent territories*

110. Various provisions relating to dependent territories were contained in a number of the proposals before the Special Committee. Except for provisions concerning a right of peoples to self-defence against colonial domination, which is considered in connexion with the legal uses of force (paras. 136 to 153 below), these provisions relating to dependent territories are contained in the present section of this report under a number of sub-headings. Much of the discussion in the Special Committee bearing on these latter provisions took place within the context of the debate on the legal uses of force. The views summarized here should therefore be read in conjunction with those contained in paragraphs 136-153 below, dealing with the use of force in self-defence against colonial domination.

(a) *Armed force or repressive measures against colonial peoples*

111. Paragraph 3 in the proposal of Czechoslovakia and sub-paragraph (b) in the proposal of Chile (see paras. 25 and 28 above) contained provisions to the effect that every State has a duty to refrain from all armed actions or repressive measures of any kind directed against peoples struggling against colonialism.

112. Representatives who supported the inclusion of a provision of this nature said that the rights of colonial peoples must be safeguarded. The Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) condemned any armed action, or repressive measures of all kinds, directed against peoples exercising their right to self-determination. There could scarcely be peace among nations until policies which disregarded the inherent right of peoples to decide their own destiny were terminated. Several recent international conflicts were attributable to the use of force against dependent peoples, and the United Nations had had to deal with many situations resulting

²¹ United Nations, *Treaty Series*, vol. 480.

from the adoption by colonial Powers of repressive measures which had endangered international peace and security.

113. It was also argued that the immediate elimination of colonialism was essential and any attempt to delay the granting of independence was unlawful. Article 2, paragraph 4, of the Charter prohibited the use of armed force not only against States, but also in "international relations", and thus applied to colonial Powers seeking to suppress communities fighting for their freedom and independence.

114. Other representatives found the provision unacceptable. They said it had nothing to do with the principle under consideration, since it had no relation to the international relations of States. Article 2, paragraph 4, of the Charter was concerned only with the use of force by one State against another State and was not in any way concerned with the abolition of colonialism. The provision seemed to be directed essentially at the relations between a State and the peoples of Non-Self-Governing Territories for the international relations of which that State was responsible. If discussed at all, it should be taken up in connexion with the principle of self-determination. In any event, formulations of the nature under discussion were unacceptable in any context, as they purported to limit, in an unreasonable manner, the right of administering Powers to maintain law and order in Non-Self-Governing Territories which were being administered in accordance with the provisions of Chapter XI of the Charter.

115. It was also argued that the proposed prohibition appeared to be closely linked to an alleged right to self-defence against colonial domination, involving the use of armed force by dependent peoples. Such an exception was not provided for in the Charter and there was no basis in the Charter or in international law for such a right of self-defence. Some representatives pointed out that the right of self-defence could not be extended to cases other than those prescribed in Article 51 of the Charter and then only on condition that the right was exercised in accordance with that Article.

(b) *Status of territories under colonial rule*

116. The proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia (see para. 26 above) contained a provision to the effect that nothing in the formulation of the prohibition of the threat or use of force should be construed to include peoples and territories under colonial rule as an integral part of a State.

117. Representatives speaking in favour of this provision said that it was intended to make it clear that no colonial Power could justifiably contend—as two or three Members of the United Nations had attempted to do—that conquered territories were an integral part of the metropolitan territory, and so deny independence to the people of those territories. One representative said that he would have preferred a clearer and more effective wording of the provision which would state that territories under colonial domination did not constitute an integral part of the territory of the colonial Power.

118. Another representative, who reserved his position regarding the inclusion of a provision of this nature, stated that the scope and intention of the provision was very obscure. He hoped that it might

eventually prove possible to draw up a glossary defining such terms as "colonial rule" in a manner acceptable to all.

(c) *Compliance with Charter obligations with respect to the political development of dependent territories*

119. Paragraph 4 (c) in the proposal of Italy and the Netherlands (see para. 29 above) contained a provision to the effect that Members of the United Nations should comply fully and in good faith with the obligations in the Charter with respect to the political development of dependent territories and should do their utmost to ensure the peaceful exercise of self-determination by the inhabitants of dependent territories.

120. In explanation of this provision, it was said that it was based on the principle of self-determination. Nevertheless, it was relevant in the present context, since differences between administering Powers and governed populations or sections of governed populations had contributed in no small measure, within the life-time of the United Nations, to breaches of the peace. The Committee could not dispose of that source of conflict by inviting one of the parties to use violence; the Committee was competent, however, to point out to States Members of the United Nations that they must allow the inhabitants of dependent territories to exercise their right to self-determination in peace, with most importance being placed on the word "peace".

14. *Making the United Nations security system more effective*

121. Paragraph 4 (b) in the proposal of Italy and the Netherlands (see para. 29 above) provided that Members of the United Nations should endeavour to make the United Nations security system fully effective and should comply in good faith with the obligations placed upon them by the Charter with respect to the maintenance of international peace and security.

122. The above provision was not the subject of any extensive discussion. It was said to be a collateral objective, conducive to the effectiveness of the prohibition of the threat or use of force.

15. *Legal uses of force*

123. As had been the case in the 1964 Special Committee, all the proposals before the 1966 Special Committee contained provisions concerning the legal uses of force, which, in some instances, were once again discussed at length. For purposes of convenience, this discussion is summarized below under the same four sub-headings which appear in the report of the 1964 Special Committee.

(a) *Use of force on the decision of a competent organ of the United Nations*

124. Paragraph 7 in the proposal of Czechoslovakia (see para. 25 above) included, in legal uses, the use of force pursuant to a decision of the Security Council made in conformity with the Charter of the United Nations. Paragraph 6 in the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia; paragraph 3 in the proposal of Australia, Canada, the United Kingdom and the United States; and sub-paragraph (h) in the proposal of Chile (see respectively paras. 26-28 above) all referred to a legal use of force pursuant to a decision of a "competent

organ of the United Nations". Paragraph 3 in the proposal of Italy and the Netherlands (see para. 29 above), referred to the lawful use of force in conformity with the Charter, without any particular or general reference to the organs entitled to decide upon the use of force.

125. As in 1964, while some representatives considered that force could be legally used in certain circumstances pursuant to recommendations of the General Assembly, others were of the view that only the Security Council, acting under Chapter VII of the Charter, was entitled to authorize the use of force in any form.

126. Some of the representatives holding the first of the above views, preferred a formulation which would commence with the provision on this subject contained in Paper No. 1 prepared by the 1964 Drafting Committee and would then go on to refer to the use of force under the authority of a "competent organ of the United Nations". They said that such a formulation avoided the controversial question of specifying the organs concerned. Others preferred a formulation of the most general character, such as that contained in Paper No. 1 prepared by the 1964 Drafting Committee (which was identical with the text of the provision on this subject contained in paragraph 3 of the proposal of Italy and the Netherlands, reproduced in paragraph 29 above).

127. Representatives holding to the view that only the Security Council could authorize the use of force preferred this to be specified. In this connexion it was also said that, since the Security Council had primary responsibility for the maintenance of international peace and security, States were committed to allowing it to act on their behalf. No other interpretation of Article 24 of the Charter was possible.

(b) *Use of force on the decision of a regional agency*

128. Paragraph 3 in the proposal of Australia, Canada, the United Kingdom and the United States (see para. 27 above) contained a reference to lawful use of force when undertaken "by a regional agency acting in accordance with the Charter". Sub-paragraph (h) in the proposal of Chile (see para. 28 above) also referred to force used by regional agencies, when "acting with the express authorization of the Security Council".

129. A number of representatives supported mention of the use of force by regional agencies in any formulation to be adopted on the lawful uses of force. Others, however, stressed the view that such a use of force was only lawful when authorized by the Security Council, or when the Council used such agencies for enforcement action under its authority. One representative thought that any mention made of this subject should be qualified by express reference to Chapter VIII of Article 53 of the Charter. In reply, a representative expressed the opinion that such a reference might raise problems on which the Committee would be unable to reach agreement, and that a qualification in the nature of a general reference to the Charter would be sufficient. Another representative thought that the Committee would not be able to resolve disagreements concerning the use of force by regional agencies, and it should therefore refrain from any clarifications on the text of the relevant provision on the lawful uses of force contained in Paper No. 1 prepared by the 1964 Drafting Committee.

(c) *Use of force in the exercise of the right of individual or collective self-defence*

130. All the proposals before the Special Committee, except for the proposal by Italy and the Netherlands, made express reference to the legal use of force in the exercise of the right of individual or collective self-defence. In paragraph 7 of the proposal of Czechoslovakia; in paragraph 6 of the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia; and in sub-paragraph (g) of the proposal of Chile (see paragraphs 25, 26 and 28 above), these references were accompanied by the qualification that the right in question arose only if an "armed attack" occurs. In the case of the latter proposal, mention was also made of a right of States threatened with or subjected to a form of force other than armed attack to take reasonable measures for their security and the protection of their vital interests. The reference to the inherent right of individual or collective self-defence in paragraph 3 of the proposal of Australia, Canada, the United Kingdom and the United States (see para. 27 above) was not accompanied by any express mention of qualifications of the foregoing nature.

131. While it was generally agreed that the right of individual or collective self-defence constituted an exception to the prohibition on the use of force, certain of the formulations of that right before the Special Committee were the subject of differing views.

132. Some representatives stressed that no alleged or real violation of a State's rights, other than an armed attack, could justify the use of force in the exercise of the right of self-defence, and this qualification should therefore be expressed. Several representatives also supported mention of a right of States to take reasonable measures short of armed force in the event of a use of force against them other than armed force. Other representatives felt, however, that the insertion of express qualifications would focus attention on differences in the Committee. Furthermore, it was undesirable and impracticable to specify all the Charter provisions involved or related to the lawful uses of force.

133. An unqualified reference to the right of self-defence, was, however, criticized as introducing a disequilibrium between that right and the general prohibition of the threat or use of force. If various forms of illegal use of force were to be enumerated such as subversive activities, training of armed bands, etc., as was the case in one of the proposals before the Special Committee, these illegal uses would set in motion a corresponding and apparently unqualified right of self-defence. The way would thus be opened to justifying the use of force under the umbrella of self-defence in many situations, more particularly so if no provision was made for an appropriate system of verification to ascertain that an illegal use of force had in fact taken place and that the exercise of the right of self-defence was thereby justified.

134. In reply to the foregoing argument it was said that the specific enumerations of forms of illegal force were not ambiguous as they were based on United Nations practice for over twenty years. While it would be most useful if some body existed to inquire into the facts relating to indirect aggression, the absence of such a body did not preclude the listing of the activities concerned as illegal uses of force. Failure to list such activities would reduce the express prohibitions on the use of force.

135. As in the case of other lawful uses of force, several representatives were of the view that their express enumeration gave rise to difficulties which could only be avoided by adopting a general statement on the lawful uses of force "in conformity with the relevant provisions of the United Nations Charter".

(d) *Use of force in self-defence against colonial domination*

136. A right of self-defence of peoples against colonial domination was included in paragraph 7 of the proposals of Czechoslovakia; in paragraph 6 of the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic and Yugoslavia; and in sub-paragraph (b) of the proposal of Chile (see paras. 25, 26 and 28 above). While certain members of the Special Committee considered that the inclusion of such a right was essential in any formulation to be adopted by the Committee, other members stated that it was completely unacceptable to their delegations.

137. Those members of the Special Committee who favoured the inclusion of a right of peoples to use force in self-defence against colonial domination, argued that colonial domination and oppression, no matter when it originated, was a clear case of aggression against such peoples. The principle of self-determination was a fundamental one, on the application of which there could be no statutory limitation. No attempt should be made to restrict the right of self-defence to certain peoples only and to deny that right to colonial peoples. Their exercise of self-defence in the struggle for their independence was a lawful act under current international law in the present "era of decolonization". Wars of liberation were cases of self-defence.

138. According to these representatives, the right of colonial peoples in the above respect had been recognized in various articles of the Charter and by the overwhelming majority of the Members of the United Nations, both inside and outside the Organization. For example, in its resolution 1514 (XV), of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly had expressly stated that the subjection of peoples to alien subjugation or domination was contrary to the Charter and, in operative paragraph 10 of its resolution 2105 (XX) of 20 December 1965, the Assembly had recognized the legitimacy of the struggle by peoples under colonial rule to exercise the right to self-determination and independence, and the international character of that struggle.

139. The legitimacy of the struggle by peoples under colonial rule to exercise their right of self-determination and independence had also been recognized in the Charter of the Organization of African Unity and in Declarations adopted outside the United Nations, such as the Bandung and the Cairo Declarations.

140. It was further argued that States were prohibited from the use of force, whether or not they were Members of the United Nations. They were equally prohibited from using force against countries under foreign domination, fictitiously regarded as integral parts of the national territory of the colonial Power. If the colonial Power persisted in its aggression, it was natural for the people under its domination to exercise their right to self-defence. The acceptance of such a right would be a demonstration of the sincerity of delegations in their adherence to the relevant principles of

the Charter and the various United Nations resolutions condemning colonialism.

141. One representative said that there was a relationship in the Charter between the principle of self-determination and the principle of the prohibition of the threat or use of force. The two principles were equally binding. That meant that the use of force by peoples under colonial domination was not at variance with the principle set forth in Article 2, paragraph 4, of the Charter, if it was provoked by acts of force by colonial Powers aimed at preventing the fulfilment of the right to self-determination. Article 2, paragraph 4, of the Charter prohibited the use of force not only against the territorial integrity or the political independence of States, but also in any other manner inconsistent with the purposes of the United Nations. These purposes included the implementation of the right of peoples to self-determination, which was an international obligation incumbent upon all colonial Powers.

142. It was also argued that a right of self-defence of peoples under colonial domination was a reflection of the right of peoples to defend their national identity against acts of force or coercion, which left them no alternative and which the Special Committee could not fail to affirm. Such an affirmation could only enrich the content of Article 51 of the Charter, for the juridical personality of peoples under colonial domination was gaining recognition in contemporary international law.

143. In response to arguments of the nature set out in the preceding two paragraphs, it was said that the principle under discussion was the principle that States should refrain in their "international relations" from the threat or use of force. If this principle extended to relations between the peoples of Non-Self-Governing Territories and administering Powers, there was no reason why it should not also be applied to the use of force between an ethnic minority and the authorities of the State in which the minority lived. The obligation upon States to respect fundamental human rights could be said to be evidence of an increasing recognition of the juridical personality of groups whose rights were being systematically violated. However, that did not mean that the Special Committee should recognize the right to "self-defence" of peoples in the territory of a Member State who were being denied the exercise of fundamental human rights.

144. It was also argued, from the same point of view, that, while it was true that self-determination of peoples was mentioned in the Charter as a basis for the development of friendly relations among nations, this was quite a different matter from stating that force used in the exercise of self-determination was used in accordance with the purposes of the United Nations. The right of self-defence applied not to peoples but to States. Article 2, paragraph 4, of the Charter did not deal with insurrection or revolution, but by that omission it did not confer the right to engage in insurrection or revolution. It would be a distortion of the purposes of the Charter to transform the United Nations from an Organization designed to prevent the use of force except for common purposes into an Organization to promote insurrection. To contend, as certain representatives had, that peoples under colonial rule should be given a national identity was tantamount to stating that a people had the rights of a State in international law.

145. Representatives holding the opposite view said that the struggle of peoples under colonial domination was part of the "international relations" of colonial

States. The Charter referred, in its Preamble, to "We the peoples of the United Nations". Some peoples still remained under colonial domination, and international law should be based on justice rather than on power.

146. One representative said that, although the members of the Committee must naturally examine the proposals before it from the standpoint of jurists, any formulation proposed for official utterance by the General Assembly must also be read in the light of the rhetoric of world politics. Unfortunately, expressions such as "colonial domination" were frequently used in the political arena to justify the threat and actual use of force against sovereign and independent States.

147. Another representative asked whether peoples being administered under Chapter XI or Chapter XII of the Charter by Members of the United Nations were regarded as being under "colonial domination". Whatever the answer, his delegation would be inclined to dispute the legal correctness of a purported right to self-defence against colonial domination, but it would be helpful to know what cases the expression was intended to cover.

148. In response to the foregoing question, one representative said that, if peoples administered under Chapters XI and XII of the Charter were subject to colonial domination, no attempt should be made to restrict their right to reject that domination. His delegation was certainly not convinced that the relevant provisions of the Charter were being properly applied, for example, in South West Africa.

149. Another representative, however, thought that the question was somewhat unnecessary. The Trusteeship System in its present form derived from the Charter and the Administering Authorities of the Trust Territories were accountable to the United Nations. The system imposed obligations on the Administering Authorities, and if those obligations were fulfilled there was no reason to consider that Trust Territories were under colonial rule. However, it was a legal obligation of the Administering Authorities to prepare the Trust Territories rapidly for independence, in accordance with the right of peoples to self-determination. Agreeing with this view, one representative said that the provisions of Chapters XI and XII of the Charter were not directly related to the problem of self-defence of peoples fighting for their liberation. So far as concerned the Trust Territories, the United Nations was authorized to deal with all matters relating to the implementation of the Trusteeship Agreements under the provisions of Article 76 of the Charter; with respect to Non-Self-Governing Territories, it exercised an important right to supervision under the provisions of Chapter XI.

150. According to one representative, one of the central issues confronting the Committee was the question of the scope of the lawful use of force under the Charter. His delegation had been somewhat puzzled to hear the sponsor of one of the proposals before the Committee inveigh against supposed efforts to expand the scope of the right of self-defence in the Charter and, nevertheless, claim that the Charter contained a separate and distinct authorization to use force against States, notwithstanding Article 2, paragraph 4, which arose in some way from the Charter provisions concerning the principles of self-determination. His delegation could find no provision in the Charter affirming or implying such a separate and distinct right to use force against States. Furthermore, at least some members of

the Committee apparently believed that the authorization of force in question applied without regard to the applicability of the provisions of Chapters XI and XII of the Charter, or whether the State concerned was complying with the solemn obligations set forth in those Chapters. The effect, if not the intent, of what certain delegations proposed, seemed to be to undermine the Charter plan for the maintenance of world order through the strict regulation of the use of force by creating an exception of virtually unlimited scope.

151. Sharing a similar view, one delegation stated that, while the Charter did impose upon administering Powers certain clearly defined obligations, those Powers could not assume the obligations imposed by Article 73 of the Charter, if a fraction of the population in the Territory concerned was authorized to resort to force and terrorism. The so-called right of self-defence against colonial domination had no basis whatsoever in the Charter or in international law, and would constitute a general licence for armed uprising. It would have the disastrous effect of authorizing the general and legal use of force to resolve the few remaining problems connected with the granting of independence to the peoples of Non-Self-Governing Territories. The so-called right of self-defence against colonial domination therefore had no legal foundation and amounted to amending the Charter by means other than those set out in Article 108 of the Charter itself.

152. In reply to the foregoing arguments, it was said that the Charter could, of course, only be amended through the procedure set forth in Article 108. An enunciation of a general principle of international law could not be characterized as an amendment of the Charter merely because it sought to expand on a general provision in order to reflect present-day realities more adequately. If the Committee were merely to repeat the exact words of the Charter, its discussions were entirely futile. Proposals to recognize a right of self-defence against colonial domination would not foment violence and bloodshed in colonial territories. Violence and bloodshed in such territories were a direct result of repression and denial of the inherent right of colonized peoples to freedom and independence. To deny this right would be to reject everything the United Nations had done in the field of decolonization. Either the right of colonized peoples to self-determination was recognized or they would be kept in a state of subordination and exploitation. Delegations denying this right wanted repressed peoples to embark on a long and uncertain process leading to liberation. On the African continent this process had proved disastrous for the colonized peoples. One of the realities of the contemporary world was the existence of liberation movements. Only the elimination of situations based on injustice and force would permit the logical evolution of international law, in which the lawful aspirations of all peoples should be protected.

153. One representative was of the view that the wisest course of action would be to adopt a general formulation of the legal uses of force, such as that contained in Paper No. 1 prepared by the Drafting Committee of the 1964 Special Committee, which could be understood to cover all existing disagreements, including those relating to a right of self-defence against colonial domination. While supporting the idea that peoples subject to colonial domination had a right to use whatever methods they considered appropriate to achieve independence and self-government, another

representative considered that the question should be dealt with under the principle of self-determination as the principle presently under consideration mentioned only "States". The terms "peoples" and "States" were different concepts in international law.

C. DECISION OF THE SPECIAL COMMITTEE

1. Statement by the Chairman of the Drafting Committee

154. At the forty-ninth meeting of the Special Committee, on 21 April 1966, the Chairman of the Drafting Committee informed the Special Committee that the Drafting Committee had examined the principle of the prohibition of the threat or use of force at some length. Previous discussions on the principle had been very helpful and the Drafting Committee had been able to make much progress towards the achievement of a statement of the principle that would receive general agreement and recognition. Nevertheless, even though some aspects of the principle had attracted provisional agreement, the Drafting Committee considered that no recommendations relating to the elaboration of the principle could be made to the Special Committee at the present stage. The Chairman of the Drafting Committee said that he would not go into any detail on the areas of "provisional agreement" because he wished to avoid creating misconceptions concerning the achievement on that aspect of the Drafting Committee's work. It sufficed to say that those areas were of insufficient value to merit a formal recommendation to the Special Committee.

2. Decision

155. At its fifty-second meeting, on 25 April 1966, the Special Committee took note of a report by the Drafting Committee (see para. 567 below) that it had been unable to present an agreed formulation of the principle relating to the prohibition of the threat or use of force (see chapter IX below for the discussion of this report in the Special Committee).

3. Systematic survey of proposals

156. A systematic survey of the proposals on this principle which were referred to the Drafting Committee follows hereafter:

A. GENERAL PROHIBITION OF THE USE OR THREAT OF FORCE

1. Czechoslovakia (A/AC.125/L.16, part I)

"1. Every State has the duty to refrain in its 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."

2. Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)

"1. Every State has the duty to refrain in its 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: such threat or use of force shall never be used as a means of settling international issues."

3. Australia, Canada, United Kingdom, United States (A/AC.125/L.22)

"1. Every State has the duty to refrain in its 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."

4. Chile (A/AC.125/L.23)

"...
"(a) The formulation of this principle shall not be limited to a commentary on the Charter in the light of its existing provisions but shall take into account the practice followed by States and by the United Nations during the past twenty years:

"...
"(c) The expression 'threat of force' shall refer to any action, direct or indirect, whatever the form it may take, which tends to produce in the other State a justified fear that it or the regional community of which it is a part be exposed to serious and irreparable harm;

"...
"(e) The prohibition of the threat or use of force not only shall be established in the interests of the territorial integrity or political independence of all States but also shall be directed against any intention to resort to such threat or use of force in any aspect of international life: it shall constitute a standard of conduct or behaviour of States in their reciprocal relations and it shall apply to all the acts which they carry out, whether in their own interests or in the interests of others, whether or not in the interests of the international community, whether or not in compliance with a treaty or in response to a violation thereof and whether they are directed against a Member or a non-member of the United Nations".

5. Italy, Netherlands (A/AC.125/L.24)

"1. The prohibition of the threat or use of force, contained in Article 2, paragraph 4, of the United Nations Charter, must be considered as the expression of a universal legal conviction of the international community.

"2. Accordingly:

"(a) every State has the duty to refrain in its 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. MEANING OF "FORCE"

1. Armed force

(i) Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)

"2. The term 'force' shall include:

"(a) The use by a State of its regular military, naval or air forces and of irregular or voluntary forces;"

(ii) Chile (A/AC.125/L.23)

"(d) The term 'force' shall be broadly understood to cover not only armed force, whether individual or collective, whether by means of regular or irregular forces and whether by means of armed bands or volunteers..."

(iii) Italy, Netherlands (A/AC.125/L.24)

"2. Accordingly,

"...
"

"(d) every State has the duty not only to refrain from the direct threat or use of regular armed forces..."

2. Economic, political and other forms of pressure

(i) Czechoslovakia (A/AC.125/L.16, part I)

"5. Every State has the duty to refrain from economic, political or any other form of pressure aimed against the political independence or territorial integrity of any State, and from undertaking acts of reprisal

(ii) Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)

"2. The term 'force' shall include:

"...
"

"(b) All forms of pressure, including those of a political and economic character, which have the effect of threatening the territorial integrity or political independence of any State".

(iii) *Chile* (A/AC.125/L.23)

"(d) The term 'force' shall be broadly understood to cover not only armed force... but also all forms of political, economic or other pressure".

C. CONSEQUENCES AND COROLLARIES OF THE PROHIBITION OF THE USE OR THREAT OF FORCE

1. *Wars of aggression, war propaganda*(i) *Czechoslovakia* (A/AC.125/L.16, part I)

"2. Accordingly, the planning, preparation, initiation and waging of wars of aggression constitute international crimes against peace, giving rise to political and material responsibility of States and to penal liability of the perpetrators of those crimes. Any propaganda for war, incitement to or fomenting of war, and any propaganda for preventive war and for striking the first nuclear blow is prohibited".

(ii) *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia* (A/AC.125/L.21)

"3. Wars of aggression constitute international crimes against peace. Consequently any propaganda which encourages the threat or use of force against the territorial integrity and political independence of another State is prohibited".

(iii) *Australia, Canada, United Kingdom, United States* (A/AC.125/L.22)

"2. In accordance with the foregoing fundamental principle, and without limiting its generality:

"(a) Wars of aggression constitute international crimes against peace".

(iv) *Chile* (A/AC.125/L.23)

"(f) The prohibition shall therefore include all types of wars of aggression... and propaganda for war or for the use of force in any of its forms".

(v) *Italy, Netherlands* (A/AC.125/L.24)

"2. Accordingly:

"...

"(b) War of aggression constitutes a crime against peace;

"...

"4. In order to ensure the more effective application of the foregoing principle, the Members of the United Nations:

"...

"(b) should endeavour, to the extent compatible with their relevant constitutional provisions, to prevent the propaganda for aggressive war, or incitement thereto".

2. *Use of force in territorial disputes and boundary problems*(i) *Czechoslovakia* (A/AC.125/L.16, part I)

"4. Every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State".

(ii) *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia* (A/AC.125/L.21)

"5. No threat or use of force shall be permitted to violate the existing boundaries of a State and any situation brought about by such threat or use of force shall not be recognized by other States".

(iii) *Australia, Canada, United Kingdom, United States* (A/AC.125/L.22)

"2. In accordance with the foregoing fundamental principle and without limiting its generality:

"...

"(d) Every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State, or other international lines of demarcation or as a means of solving its international disputes, including territorial disputes, and problems concerning frontiers between States".

(iv) *Chile* (A/AC.125/L.23)

"(f) The prohibition shall therefore include... the use of force in connexion with frontier problems...".

(v) *Italy, Netherlands* (A/AC.125/L.24)

"2. Accordingly:

"...

"(c) In particular, every State has the duty to refrain from the threat or use of force to violate the existing boundaries of another State or other international lines of demarcation".

3. *Acts of reprisal*(i) *Czechoslovakia* (A/AC.125/L.16, part I)

"5. Every State has the duty to refrain... from undertaking acts of reprisal".

(ii) *Australia, Canada, United Kingdom, United States* (A/AC.125/L.22)

"2. In accordance with the foregoing fundamental principle, and without limiting its generality:

"...

"(b) Every State has the duty... to refrain from acts of armed reprisal or attack".

(iii) *Chile* (A/AC.125/L.23)

"(d) The term 'force'... shall likewise cover reprisals, which are condemned by the Security Council's resolution of 9 April 1964 (S/5650) as incompatible with the purposes and principles of the United Nations".

(iv) *Italy, Netherlands* (A/AC.125/L.24):

"2. Accordingly:

"...

"(e) Every State has the duty to refrain from armed reprisals".

4. *Organization of armed bands*(i) *Australia, Canada, United Kingdom, United States* (A/AC.125/L.22)

"2. In accordance with the foregoing fundamental principle, and without limiting its generality:

"...

"(b) Every State has the duty to refrain from organizing or encouraging the organization of irregular or volunteer forces or armed bands within its territory or any other territory for incursions into the territory of another State or across international lines of demarcation".

(ii) *Italy, Netherlands* (A/AC.125/L.24)

"2. Accordingly:

"...

"(d) Every State has the duty not only to refrain from the direct threat or use of regular armed forces, but also:

"(i) To refrain from organizing or encouraging the organization of irregular or volunteer armed forces or bands within its territory for incursions into the territory of another State...".

5. *Instigation of civil strife and terrorist acts*(i) *Australia, Canada, United Kingdom, United States* (A/AC.125/L.22)

"2. In accordance with the foregoing fundamental principle, and without limiting its generality:

"...

"(c) Every State has the duty to refrain from instigating, assisting or organizing civil strife or committing terrorist acts in another State or across international lines of demarcation, or from conniving at or acquiescing in organized activities directed towards such ends, when such acts involve a threat or use of force".

(ii) *Italy, Netherlands* (A/AC.125/L.24)

"2. Accordingly:

"...

"(d) Every State has the duty not only to refrain from the direct threat or use of regular armed forces, but also:

"...

"(ii) To refrain from instigating, assisting or organizing civil strife or committing terrorist acts in another State, or from conniving at, or acquiescing in, organized activities directed towards such ends, when such acts involve a threat or use of force..."

6. *Military occupation and non-recognition of situations brought about by the illegal use or threat of force*

(i) *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)*

"4. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized".

(ii) *Chile (A/AC.125/L.23)*

"(i) It shall be expressly declared that contemporary international law in no way recognizes the relevancy or validity of *de facto* situations brought about by the illegal threat or use of force..."

7. *Armed force or repressive measures against colonial peoples, the position of territories under colonial rule, and the obligations of the Charter with respect to dependent territories*

(i) *Czechoslovakia (A/AC.125/L.16, part I)*

"3. Every State has the duty to refrain from all armed actions or repressive measures of any kind directed against peoples struggling against colonialism for their freedom and independence".

(ii) *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)*

"7. Nothing in the present chapter shall be construed to include peoples and territories under colonial rule as an integral part of a State".

(iii) *Chile (A/AC.125/L.23)*

"(b) The expression 'in their international relations' in the above-mentioned Article 2, paragraph 4, shall exclude from the prohibition the domestic activities of States, but the prohibition shall become applicable in the case of a community of human beings struggling for its freedom and independence. Thus the threat or use of force by a colonial Power against a group of human beings under its domination which is struggling for its freedom and self-determination shall be prohibited".

(iv) *Italy, Netherlands (A/AC.125/L.24)*

"4. In order to ensure the more effective application of the foregoing principle, the Members of the United Nations:

"...

"(c) shall comply fully and in good faith with the obligations set forth in the United Nations Charter with respect to the political development of dependent territories, and shall do their utmost, also in the light of General Assembly resolution 1514 (XV) and other relevant resolutions, to ensure the peaceful exercise of self-determination by the inhabitants of dependent territories".

8. *Agreement for general and complete disarmament under effective international control*

(i) *Czechoslovakia (A/AC.125/L.16, part I)*

"6. All States shall act in such a manner that an agreement for general and complete disarmament under effective international control will be reached as speedily as possible and

will be strictly observed, in order to secure full effectiveness for the prohibition of the threat or use of force".

(ii) *Chile (A/AC.125/L.23)*

"(j) The practical means of giving effect to Article 2, paragraph 4, of the Charter is to work for general and complete disarmament, with the agreement of all the Powers of the world, without exception, under effective international control and with the prior and fundamental agreement that, even in the event of an armed conflict the use of all types of nuclear and thermonuclear weapons shall be prohibited as a crime against humanity".

(iii) *Italy, Netherlands (A/AC.125/L.24)*

"5. In order to promote the development of the role of law in the international community, all States should endeavour to secure the early conclusion of a universal treaty of general and complete disarmament, accompanied by the provisions necessary for the effective supervision and control of disarmament measures, for the maintenance of peace and security and for the peaceful settlement of international disputes, and in the meantime shall endeavour to carry out such agreed collateral arms control and disarmament measures as would be susceptible of reducing international tension and of ensuring progress towards general and complete disarmament".

9. *Making the United Nations security system more effective*

Italy, Netherlands (A/AC.125/L.24)

"4. In order to ensure the more effective application of the foregoing principle, the Members of the United Nations:

"(a) shall endeavour to make the United Nations security system fully effective and shall comply in good faith with the obligations placed upon them by the Charter with respect to the maintenance of international peace and security..."

D. LEGAL USES OF FORCE

(i) *Czechoslovakia (A/AC.125/L.16, part I)*

"7. Nothing in the foregoing paragraphs affects the use of force either pursuant to a decision of the Security Council made in conformity with the Charter of the United Nations, or in the exercise of the right to individual or collective self-defence if an armed attack occurs, in accordance with Article 51 of the Charter of the United Nations, or in self-defence of peoples against colonial domination in the exercise of the right of self-determination".

(ii) *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Madagascar, Nigeria, United Arab Republic, Yugoslavia (A/AC.125/L.21)*

"6. The prohibition of the use of force shall not affect either the use of force pursuant to a decision by a competent organ of the United Nations made in conformity with the Charter, or the right of States to take, in case of armed attack, measures of individual or collective self-defence in accordance with Article 51 of the Charter, or the right of peoples to self-defence against colonial domination, in the exercise of their right to self-determination".

(iii) *Australia, Canada, United Kingdom, United States (A/AC.125/L.22)*

"3. Nothing in the foregoing paragraphs is intended to affect the provisions of the Charter concerning the lawful use of force, when undertaken by or under the authority of a competent United Nations organ or by a regional agency acting in accordance with the Charter, or in exercise of the inherent right of individual or collective self-defence".

(iv) *Chile (A/AC.125/L.23)*

"(g) Whatever the scope and content of the expression 'threat or use of force' individual or collective self-defence as provided for in Article 51 of the Charter may be resorted to only if an armed attack occurs, without prejudice to the legitimate right of a State which has been threatened with

or subject to a form of force not constituting armed attack to take reasonable measures for its security and the defence of its vital interests and without prejudice to its obligation immediately to report to the competent international authority the threat or pressure to which it has been subjected and the measures taken;

"(h) An exception to the principle set forth in Article 2, paragraph 4, of the Charter shall also be made in cases of the use of force by order of a competent organ of the United Nations or under its authority, or by a regional agency acting with the express authorization of the Security Council (Article 53)".

(v) *Italy, Netherlands (A/AC.125/L.24)*

"3. Nothing in the foregoing paragraphs affects the lawful use of force in conformity with the relevant provisions of the United Nations Charter".

III. 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 endangered²²

A. WRITTEN PROPOSALS

157. In regard to the above principle four written proposals were submitted: one by Czechoslovakia; one jointly by Dahomey, Italy, Japan, Madagascar and the Netherlands; one jointly by Chile; and one jointly by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia. The texts of the foregoing proposals are given below in the order in which they were submitted to the Special Committee.

158. Proposal by Czechoslovakia (A/AC.125/L.16, part II):

"1. Every State shall settle its international disputes solely by peaceful means so that international peace, security and justice are not endangered.

"2. Having regard to the circumstances and the nature of the dispute, the parties to any international dispute shall first seek its just settlement by negotiation, and shall use, whenever appropriate and by common agreement, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, in strict accord with the Charter of the United Nations, or other peaceful means.

"3. International disputes shall be settled on the basis of the sovereign equality of States, in the spirit of understanding and without the use of any form of pressure.

"..."

159. Joint proposal by Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1):

"1. The principle of the peaceful settlement of international disputes set forth in Article 2, paragraph 3, of the United Nations Charter, is a corollary of the prohibition of the threat or use of force, and, as such, the expression of a universal legal conviction of the international community.

"2. Accordingly,

"(a) All States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

"(b) The parties to any such dispute shall seek a solution by negotiation, inquiry, good offices or mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice;

"(c) Failure to reach a solution by any of the above means does not absolve the parties from the duty of continuing to seek settlement of the dispute by peaceful means;

"(d) Recourse to or acceptance of a settlement procedure, including any obligation freely undertaken to submit existing or future disputes to any particular procedure, shall not be regarded as incompatible with sovereign equality.

"3. In order to ensure the more effective application of the foregoing principle:

"(a) Legal disputes should as a general rule be referred by the parties to the International Court of Justice, and in particular States should endeavour to accept the jurisdiction of the International Court of Justice pursuant to Article 36, paragraph 2, of the Statute of the Court.

"(b) General multilateral agreements, concluded under the auspices of the United Nations, should provide that disputes relating to the interpretation or application of the agreement, and which the parties have not been able to settle by negotiation, or any other peaceful means, may be referred on the application of any party to the International Court of Justice or to an arbitral tribunal, the members of which are appointed by the parties, or, failing such appointment, by an appropriate organ of the United Nations.

"(c) Members of the United Nations and United Nations organs should continue their efforts in the field of codification and progressive development of international law with a view to strengthening the legal basis of the judicial settlement of disputes.

"(d) The competent organs of the United Nations should avail themselves more fully of the powers and functions conferred upon them by the Charter in the field of peaceful settlement, with a view to ensuring that all disputes are settled by peaceful means in such a manner that not only international peace and security but also justice is preserved."

160. Draft resolution by Chile (A/AC.125/L.26):

"The Special Committee, bearing in mind:

"(a) That the Preamble of the Charter of the United Nations proclaims the need for States to practise tolerance and live together in peace with one another as good neighbours,

"(b) That Article 1, paragraph 2, of the Charter declares that one of the purposes of the United Nations is to develop friendly relations among nations,

"(c) That Article 2, paragraph 3, of the Charter declares that all Members of the United Nations shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered,

"Declares:

"1. That States are obliged to settle all their disputes whatsoever by such peaceful means as they deem appropriate, without prejudice to the provisions of the international agreements in force and of the generally recognized norms of international law;

"2. That, once a procedure for pacific settlement has been initiated, States have an obligation to refrain from changing the *de facto* situation which gave rise to the dispute and to take preventive measures against the creation or aggravation of any tension which might endanger peace;

"3. That any pacific settlement of an international dispute must be based on justice and must take into account the maintenance of international peace and security; and

"4. That, by virtue of Articles 52, paragraph 4, and 103 of the Charter of the United Nations, the right to have recourse to a regional agency in pursuit of a pacific settlement of a dispute does not preclude or diminish the right of any State to have recourse direct to the United Nations in defence of its rights."

161. Joint proposal by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.27):

"1. Every State shall settle its disputes with other States by peaceful means, in such a manner that international peace and security, and justice, are not endangered;

"2. States shall accordingly seek early and just settlement

²² An account of the consideration of this principle by the 1964 Special Committee appears in chapter IV of its report (A/5746).

of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice, as may be appropriate to the circumstances and nature of each case and as agreed to by the parties concerned;

"3. States should, as far as possible, include in the bilateral and multilateral agreements to which they become parties, provisions concerning the particular peaceful means by which they desire to settle their differences;

"4. In seeking a peaceful settlement the parties to a dispute, as well as other States, shall refrain from any action which may aggravate the situation and shall act in accordance with the purposes and principles of the Charter of the United Nations and the provisions of this chapter."

B. DEBATE

1. General comments

162. The principle of the pacific settlement of disputes was discussed by the Special Committee at its twenty-seventh to thirty-third meetings between 28 and 31 March 1966, and at its forty-ninth meeting on 21 April 1966. All the representatives who took part in the debate recognized that the principle, as embodied in the United Nations Charter constituted a fundamental principle of contemporary international law which was of universal application and expressed the hope that agreement would soon be reached on a statement of the principle acceptable to all.

163. Many representatives stressed the great importance of the principle of pacific settlement of international disputes which was the logical corollary of the prohibition of the threat or use of force in international relations, and recalled that the drafters of the Charter had endeavoured to establish a new international order in which change and adjustment could be effected only by peaceful means. The renunciation of the threat or use of force prescribed in the United Nations Charter had been predicated on the assumption that peace, security and justice would be assured by the application of peaceful means of settlement to the solution of international disputes. Rigorous observance of the principle of pacific settlement of disputes and universal application in concrete situations of the various means of peaceful settlement referred to in the Charter would help to bring about an international order in which the necessary change could be effected without destroying stability. Some representatives considered that while generally accepted machinery for the resolution of international conflicts existed in the Charter, it had not always been used to the best advantage and it was therefore urgently necessary to strengthen the will of the international community to settle international disputes by peaceful means.

164. It was pointed out that, unlike other principles, the purpose of which was to remove the causes of international disputes, this principle was concerned with what should be done to settle disputes once they had arisen. If it was not accepted and applied by all States, the other principles studied by the Special Committee would be short-lived. The international community and international law could not develop or survive if States were permitted to settle their disputes by force.

165. It was also emphasized that the principle of the pacific settlement of international disputes was closely related to other fundamental principles of the United Nations Charter. In addition to being a logical corollary of the principle of the prohibition of the threat or use of force, the principle of the pacific settlement

of disputes was also linked to the principles of the sovereign equality of States and non-intervention. It was, therefore, of paramount importance for the promotion of friendly relations and co-operation among States, the strengthening of peaceful coexistence and the maintenance of international peace and security. Its application was especially important at the present stage because of the interdependence of States in the modern world and the development of weapons of mass destruction. In undertaking the formulations of the principle, therefore, the Committee must endeavour to strengthen it and to make sure that no one could evade the legal obligation that it established.

166. It was generally recognized that Article 2, paragraph 3, of the Charter constituted a legal and universal statement of the principle of peaceful settlement of international disputes. In formulating that principle, consideration should also be given to other Charter provisions, especially the Preamble, Article 1, paragraph 1, and Chapter VI. Nevertheless, during the debate, there were some differences of opinion as regards the most appropriate procedure and method for the formulation of the principle. Thus, while some representatives favoured a transcription of the relevant provisions of the Charter, supplemented by some additional elements, others, on the contrary, stressed that the Special Committee's task went beyond a mere repetition of Charter language. According to those representatives, the Special Committee should formulate the principle in conformity with the Charter, but should also take into consideration the need for progressive development of the principle and the need to maintain and strengthen international peace and security. On the other hand, a number of representatives preferred merely to state the material components of the principle, while others stressed the advisability of including in the statement certain general recommendations with a view to ensuring more effective application. The latter approach was thought by some representatives not to meet the methodological criteria used by the Special Committee in its work of codification and, at the same time, to be likely to complicate the preparation of a text acceptable to all. The meaning and scope of the principle should be stated without a detailed study of the general application of the principle itself or of each separate means of pacific settlement. Lastly, other representatives stated that they preferred that only rules of international law should be included in the formulation of the principle, but that they would not oppose the inclusion of recommendations *de lege ferenda* if that was acceptable to the majority.

167. One representative emphasized that, if the Special Committee was to come to an agreement on the way in which the principle of pacific settlement of disputes was to be stated, it had to examine the principle in a rather wider context than that of the Charter. Since the principle was applied in international affairs through the use of the various means of pacific settlement based on customary law and treaty law, it was obvious, in his opinion, that the Special Committee could not confine itself to repeating what was already established in the Charter. The Special Committee should take the Charter as a point of departure, but it must also establish subsidiary rules and find out how best to apply them. That would be fully in conformity with the resolutions of the General Assembly on the consideration of principles concerning friendly relations and co-operation among States. In conclusion, that representative suggested that the Special Committee should

follow the methods used by the International Law Commission.

168. Some representatives considered that the real problem involved in the principle of the pacific settlement of disputes lay, not in its statement or definition, but rather, and above all, in the application by States of the existing means of settling disputes. One of these representatives stated that, of the two tasks assigned to the Special Committee by General Assembly resolutions 1966 (XVIII), concerning, respectively, the problems involved in the more effective application of the rules of the Charter and those involved in the progressive development of those rules, it was mainly the former which was at issue in the present case and the Special Committee should try first to establish why, since the rules set forth in the Charter were not in dispute, they were not applied more effectively and consistently by States, and secondly to remedy that situation. In the view of this representative, the development of the Charter principles concerning the pacific settlement of disputes must follow and not precede a thorough study of the terms on which States applied the principle.

169. Some representatives recalled, as tangible proof of a contribution to the establishment of a harmonious and civilized international society, that their respective countries were parties to many treaties containing pacific settlement clauses or had offered to submit disputes to a given means of settlement. The signing of the Tashkent Declaration of 1966,²³ the agreement concluded between India and Pakistan for the settlement of their dispute concerning the Rann of Kutch,²⁴ the agreement between Argentina and Chile to submit to arbitration, pursuant to their 1902 General Treaty of Arbitration,²⁵ frontier problem on which a tribunal sitting in London would soon take a decision, and the agreement concluded at Geneva in February 1966 between Venezuela and the United Kingdom with a view to the pacific settlement of the dispute concerning the frontier of British Guiana²⁶ were cited as important recent examples of the practical application of the principle of pacific settlement of international disputes.

170. In the course of the debate, in addition to the United Nations Charter, the following were cited as examples of international instruments and documents in which the principle of pacific settlement of international disputes was recognized in one way or another: the Charter of the Organization of American States of 30 April 1948,²⁷ the Bandung Declaration,²⁸ the Belgrade Declaration,²⁹ the Programme for Peace and International Co-operation adopted by the Cairo Conference,³⁰ the Charter of the Organization of Central American States, signed at Panama City on 12 December 1962, establishing a new Central American Court of Justice,³¹ the Protocol of Mediation, Concilia-

²³ *Official Records of the Security Council, Twenty-first Year, Supplement for January, February and March 1966*, document S/7221.

²⁴ *Ibid.*, *Twentieth Year, Supplement for July, August and September 1965*, document S/6507.

²⁵ *American Journal of International Law* (Washington, D.C.), vol. I, Supplement, 1907.

²⁶ United Nations, *Treaty Series*, vol. 161.

²⁷ *Ibid.*, vol. 119.

²⁸ *American Foreign Policy, 1950-1955* (Washington, D.C., 1957), vol. II.

²⁹ *Journal of the Belgrade Conference*, No. 5, 6 September 1961.

³⁰ A/5763, mimeographed.

³¹ *American Journal of International Law* (Washington, D.C.), vol. 58, 1964.

tion and Arbitration adopted on 21 July 1964 by the Organization of African Unity,³² and the Convention on the Settlement of Investment Disputes concluded on 18 March 1965 under the auspices of the International Bank for Reconstruction and Development. One representative also cited the Washington agreement of 1907 among the republics of Central America establishing a Court of Justice with very wide jurisdiction as an instrument which set a historic precedent in the matter of peaceful settlement.³³

171. Finally, a number of representatives regretted that during the twentieth session of the General Assembly, the Special Political Committee had not had time for a detailed examination of the item "Peaceful settlement of disputes" and had therefore decided to remit consideration of that item to the twenty-first session of the General Assembly.³⁴ Those representatives emphasized that there was no conflict between the work of the Special Committee on this principle and the item "Peaceful settlement of disputes" discussed in the Special Political Committee of the General Assembly. They pointed out that the examination being carried out by the Sixth Committee and the Special Committee was directed towards the progressive development and codification of the principle of the peaceful settlement of disputes, while the Special Political Committee proposed to carry out a penetrating study of the question of the peaceful settlement of disputes in all its political and legal aspects and to consider the possibility of improving existing means or procedures of settlement with a view to adopting practical measures which would enable States to have greater recourse to such means. The Special Political Committee's examination of the item would be greatly facilitated if the Special Committee and the Sixth Committee could reach agreement as soon as possible on a formulation of the principle of peaceful settlement of international disputes defining the contents and scope of the principle.

2. *The obligation to settle international disputes by peaceful means*

172. The representatives who took part in the debate recognized the principle that States should settle their international disputes by peaceful means as a universal legal obligation established by contemporary international law and laid down in Article 2, paragraph 3 of the Charter. The four proposals submitted in connexion with the principle of peaceful settlement contained provisions stipulating that this general legal obligation was incumbent on all States. The proposals were in paragraphs 1 and 2 of the proposal submitted by Czechoslovakia; in paragraphs 1 and 2 (a) of the joint proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands; in the preamble and paragraphs 1 and 3 of the proposal submitted by Chile; and in paragraph 1 of the joint proposal submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, United Arab Republic and Yugoslavia (see paras. 158-161 above).

173. Representatives who spoke in the debate supported the wording and the approach of one or other

³² *Resolutions and Recommendations of the First Session of the Assembly of Heads of State and Government and Third Session of the Council of Ministers.*

³³ *American Journal of International Law* (Washington, D.C.), vol. 2, Supplement, 1908.

³⁴ *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 99, document A/6187.

of the proposals submitted and said that in general they reflected the relevant provisions of the Charter and would therefore be a firm basis on which the general obligation to settle international disputes by peaceful means could be formulated without great difficulty and in a manner acceptable to all. Nevertheless, some specific aspects of those proposals gave rise to a number of divergent comments. The main points on which comments were made are set forth below.

(a) *The settlement of international disputes by peaceful means as "the expression of a universal legal conviction of the international community"*

174. Paragraph 1 of the proposal submitted by Dahomey, Italy, Japan, Madagascar and Netherlands (see para. 159 above) stated that the principle set forth in Article 2, paragraph 3, of the United Nations Charter was "a corollary of the prohibition of the threat or use of force and, as such, the expression of a universal legal conviction of the international community". Some representatives had no objection to the inclusion of such a provision in the enunciation of the principle, while others considered it inappropriate and felt that it should be deleted. One of the latter indicated that the principle of peaceful settlement was related to several other principles and that it might be a mistake to single out the principle of the prohibition of the threat or use of force in that regard.

(b) *Category of disputes to which the obligation of peaceful settlement applies*

175. In the view of some representatives, while Article 2, paragraph 3, of the Charter was worded in general terms, Article 33 referred to any dispute "the continuation of which is likely to endanger the maintenance of international peace and security". Therefore, Members were required to submit to the methods of peaceful settlement specified in the Charter only disputes which endangered international peace and security. If no danger existed, nothing in the Charter obliged Members to seek an immediate solution. Their only obligation was to refrain from the use of force in seeking a solution. One representative stated that a minor dispute might thus remain unsolved and eventually be forgotten. He also noted that in that respect Article 2, paragraph 3, of the Charter was reminiscent of article 2 of the Briand-Kellogg Pact, in that under it the general duty to settle any international dispute by peaceful means was an imperfect obligation.

176. Other representatives, on the other hand, affirmed that the obligation to settle international disputes by peaceful means applied to all disputes. Although Article 33 of the Charter dealt specifically with disputes likely to endanger the maintenance of international peace and security, less serious disputes were covered by the more general provision in Article 2, paragraph 3, as was confirmed by the terms of the Preamble to the Charter proclaiming the desire of peoples to "live together in peace with one another" and by Article 1, paragraph 2, of the Charter which laid down that one of the purposes of the United Nations was to develop friendly relations among nations. These representatives were in favour of stressing in the formulation of the principle of the pacific settlement of disputes the fact that the obligation which it imposed applied to all international disputes.

177. Still other representatives felt that it would be wiser not to raise the question of the types of dis-

pute covered in the Charter since that could give rise to differences of interpretation on the degree to which a particular dispute was dangerous. One representative felt that it could be deduced from a reading of the relevant provisions of the Charter that its authors distinguished between two types of dispute, depending on the degree to which they endangered international peace and security. He wondered what provision the Special Committee could make in that regard in view of the fact that disputes which did not appear to be serious could undoubtedly have dangerous repercussions.

(c) *Settlement of disputes "solely" by peaceful means*

178. Some representatives thought it desirable to stress in the formulation of the obligation that disputes should be settled "solely" by peaceful means, as in paragraph 1 of the proposal submitted by Czechoslovakia (see para. 158 above). In their view, the addition of the word "solely" was essential in order to emphasize that any non-peaceful mode of settlement would be a violation of the Charter. Other representatives, however, did not consider that that addition was necessary or appropriate, since it did not figure in the text of the Charter.

(d) *Settlement of disputes on the basis of the sovereign equality of States*

179. Several representatives emphasized that international disputes must be settled without the use of any form of pressure and on the basis of the sovereign equality of States. The sovereignty and independence of States parties to the dispute must in all cases be safeguarded and the mutual interests of the parties must be taken into account. That would help to remove the fears of small States regarding the use of certain means of settlement in the event of a dispute with more powerful countries. Paragraph 3 of the proposal of Czechoslovakia (see para. 158 above) contained a provision on these lines, which received the express support of a number of representatives.

(e) *Settlement of international disputes in conformity with the dictates of justice*

180. A number of representatives considered that justice was a fundamental element of the principle of the pacific settlement of disputes and pointed out that the authors of the Charter had used the word "justice" both in Article 1, paragraph 1, and in Article 2, paragraph 3, in order to underline the importance of the concept. If the principles of justice were not respected, there could be no lasting settlement of disputes and international peace and security would therefore continue to be threatened. These representatives considered that the pacific settlement of disputes should not be brought about at the expense of that fundamental element. It was stated in that connexion that medium and small States attached considerable importance to the concept of justice in connexion with the settlement of disputes and that the word "justice" should therefore be included in the statement of the principle. In the view of some of the representatives in question, justice was the *sine qua non* for the success of means of pacific settlement of disputes.

181. Paragraph 1 of the proposal of Czechoslovakia (see para. 158 above), paragraph 2 (a) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above), preambular sub-paragraph (c) of the proposal of Chile (see para. 160 above), and paragraph 1 of the proposal of Algeria, Burma,

Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, United Arab Republic and Yugoslavia (see para. 161 above) reproduced the wording of Article 2, paragraph 3, of the Charter, which lays down that international disputes shall be settled in such a way that "international peace and security, and justice, are not endangered". Paragraph 2 of the last-mentioned proposal also stipulated that States were to "seek early and just settlement", and paragraph 2 of the proposal of Czechoslovakia said that States must "first seek [a dispute's] just settlement by negotiating". Paragraph 3 (d) of the five-Power proposal (see para. 159 above) also provided that the competent organs of the United Nations should avail themselves more fully of their powers and functions with a view to ensuring that all disputes were settled by peaceful means in such a manner that not only international peace and security but also justice was preserved.

182. Operative paragraph 3 of the proposal of Chile (see para. 160 above) provided that "any pacific settlement of an international dispute must be based on justice and must take into account the maintenance of international peace and security". The sponsor of that proposal recognized that this rule was subjective and therefore difficult to apply, but said that it was nevertheless true that the Charter gave justice a prominent place alongside the maintenance of international peace and security, treating both as essential elements in the peaceful settlement of international disputes. Some representatives said, however, that although they agreed that justice should prevail in the settlement of disputes the Chilean proposal was difficult for them to accept since the term "justice" could give rise to differing and even distorted interpretations. It was pointed out that Article 1, paragraph 1, of the Charter spoke of the "principles of justice and international law".

183. Lastly, other representatives stressed that the word "justice" should not be used in the statement of the principle of pacific settlement in such a way as to furnish a pretext for States which had agreed to submit a dispute to a particular means of settlement to reject the solution reached, or the judgement rendered, by simply claiming that it was unjust. Referring specifically to decisions of the International Court of Justice, one representative pointed out that a refusal by the parties to recognize those decisions would endanger international peace and security. Similarly, he added, even when the solution of a dispute had been obtained by non-judicial means, such as mediation or conciliation, and that solution was based on a freely accepted formula, the parties could not reject it on grounds of justice, since otherwise anarchy would reign and no one would have any certainty of achieving the settlement of a dispute through recourse to methods of pacific settlement.

(f) *The relationship between the general obligation to settle disputes peacefully and the provisions of international agreements in force and the generally recognized norms of international law*

184. Paragraph 1 of the proposal of Chile (see para. 160 above) laid down that States were obliged to settle their disputes by such peaceful means as they deemed appropriate "without prejudice to the provisions of the international agreements in force and of the generally recognized norms of international law". The sponsor of the proposal explained that, although States, in fulfilment of their obligation to solve disputes by peace-

ful means had complete freedom in the choice of those means, international agreements might indicate, in particular cases, that one means and not another was to be used. On the other hand, in the absence of a pre-existing treaty or agreement between the parties regarding the choice of a means of settlement, States could not allow the dispute to remain unsolved, since that would be contrary to the Charter. In such a case States were obliged to submit the dispute to one of the means recognized by international law and the procedures for the use of that means were also governed by international law.

185. Some representatives expressed doubts and misgivings regarding the inclusion of such a formula in the statement of the principle. One representative feared that it might be inferred that rights or obligations might arise from those agreements and norms which would be inconsistent with the general obligation of pacific settlement laid down in the Charter. Other representatives had no objection to the proposal.

3. *Means of peaceful settlement of international disputes*

186. Provisions relating to the means of settlement of disputes were set forth in paragraph 2 of the proposal submitted by Czechoslovakia; in sub-paragraph 2 (b) of the joint proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands; and in paragraph 2 of the joint amendment submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see paras. 158, 159 and 161 above).

187. All representatives who spoke on the question recognized that both under the system of Chapter VI of the United Nations Charter and under general international law, and subject to their views on provisions of agreements regarding settlement and norms of general international law (see paragraphs 184-185 above, and paragraphs 192, 236-238 below), the States parties to a dispute were free to choose the method of peaceful settlement they believed most suitable or adequate for the resolution of the conflict. The common will of the parties, which would naturally be based on the nature of the dispute and the specific circumstances surrounding it, were decisive in the selection of the method of settlement.

188. It was stated that the Charter established a flexible and diversified system for the settlement of disputes by listing in Article 33, paragraph 1, a series of means and adding that parties could also seek a solution by "other peaceful means of their own choice". Many representatives pointed out that all the means of settlement had advantages and disadvantages and that it was accordingly not desirable to recommend any particular means in preference to another in a legal document. Indeed it was impossible, in the view of some representatives, to decide in advance which means States should employ in settling their differences, or to establish an order of priority among them; it was for the States concerned to make their own choice, in each specific case, of the method they deemed most appropriate for the solution of the particular conflict. Attempting to establish an order of preference of certain means over others would, in their opinion, disturb the technique of settlement of international disputes by introducing an element of rigidity that would clash with the flexible system provided in the Charter. Some representatives stated that an attempt to limit the freedom of States in choosing the methods of settlement they

considered most appropriate would be incompatible with the principle of the sovereign equality of States.

189. Several representatives stated that they could not support any proposal which would have the formulation of the principle stress the importance of one means of settlement over another, since that in their view would run counter to the Charter. Those representatives consequently preferred, on that point, the language of the five-Power proposal (see para. 59 above) or the ten-Power proposal (see para. 161) to that of the proposal of Czechoslovakia, reproduced above in paragraph 158. While recognizing that the Czechoslovak text was a considerable compromise effort intended to take account of views expressed at the Mexico City session of the 1964 Special Committee, those representatives held that the new text still had certain elements of ambiguity. Other members favoured the wording used in the proposal of Czechoslovakia. In their view neither Article 33 of the Charter nor international law gave rise to any objection to a text on the principle of the peaceful settlement of disputes stressing the practical importance of certain means of settlement over others, provided that the freedom of States to choose the means they thought best by common agreement was not impaired. One representative suggested that the two ideas were fully compatible, since the different means of peaceful settlement had developed as a result of the evolution of relations between States and international organizations. That evolution had occurred within the context of customary law, without direct connexion with the Charter.

(a) *Obligation of the parties to have recourse to one of the means of settlement listed in Article 33, paragraph 1, of the Charter before referring the dispute to the Security Council*

190. Several representatives stated that under the Charter States should choose the method they thought most likely to lead to a satisfactory solution before referring a dispute to any organ of the United Nations, and particularly the Security Council, but that they were not obliged to exhaust in the order in which they were listed in Article 33 of the Charter all the means of a settlement there enumerated. Their only duty was to seek a settlement by one or other of those means. If those means failed, the parties were then required, under Article 37, paragraph 1, to refer the dispute to the Security Council. The Council could then recommend methods of adjustment or such terms of settlement as it might consider appropriate and could also, if the dispute in question was a legal one, recommend that it should be referred to the International Court of Justice, but under the Charter all such recommendations were not binding on the parties. The same representatives did not consider it appropriate that the formulation of the principle should include provisions imposing on States legal obligations which went beyond the requirements of the Charter in that connexion.

191. One representative referred to the significance of the words "first of all" in Article 33, paragraph 1 of the Charter and to the dangers of including those words in formulae that had a different context. According to the same representative, it was clear from the provisions of Chapter VI of the Charter that the words "first of all" in Article 33 meant that States should "as a first step" seek a solution by the means of peaceful settlement enumerated in that Article, and that only if they failed to reach a solution by one of

those means should they then have recourse to the Security Council. Used in a formula outside the context of Chapter VI of the Charter the expression "first of all" was open to a very dangerous interpretation: namely that, once the means of settlement provided for in Article 33, paragraph 1, had been exhausted, the parties were entitled, if no agreement was reached, to resort to other than peaceful means.

(b) *Declaration by States, in general or special form, of their consent to the submission of a dispute to a particular means of settlement*

192. One representative indicated that States could declare their consent to the submission of a dispute to a particular means of peaceful settlement either generally, as for example by accepting the optional clause provided in paragraph 2 of Article 36 of the Statute of the International Court of Justice, or specially, in the form they deemed most appropriate, but that in the present state of international law it was necessary that their consent should be declared in some form or other.

(c) *Relationship between the kind of dispute and the means of settlement*

193. Some representatives pointed out that some disputes—those, for instance, in which changes in an existing juridical situation are demanded—could more appropriately be dealt with by negotiation, conciliation or mediation, but that there were others, relating to the interpretation and application of international law, which were more suitable for arbitration and judicial settlement. Another representative grouped the means of settlement in three categories according to the kind of dispute for which they seemed most appropriate: (a) quasi-judicial means, such as negotiation, inquiry, good offices, mediation and conciliation, which might be used in settling political disputes; (b) arbitration and judicial settlement, by which purely legal disputes could be settled; and (c) resort to regional agencies or arrangements, to settle regional or local disputes.

(d) *Questions relating to each of the recognized means of peaceful settlement of disputes*

194. Although the Special Committee did not study in detail all the problems relevant to each of the recognized means of peaceful settlement of disputes, some proposals submitted and opinions expressed in the course of the debate led to an exchange of views—which brought to light some differences—on the importance and merits of some of those means, the place they ought to occupy in any formulation of the principle of the peaceful settlement of disputes, how useful they would be for the practical solution of international disputes, and certain other matters relating to various aspects of application.

(i) *Negotiation*

195. As at the 1964 Special Committee's session in Mexico City, the debate on this means of settlement centred on the question of the necessity for or desirability of laying special emphasis on negotiation as against the other means of pacific settlement set forth in the Charter. Since paragraph 2 of the proposal submitted by Czechoslovakia (see para. 158 above) tended to emphasize negotiation and to raise it above the other means of pacific settlement, it was used as a point of departure by representatives who spoke on this question.

196. Some representatives stressed that negotiation was the most useful and important means of peaceful settlement, and that the Charter, by listing it first in Article 33, paragraph 1, recognized its primacy. They therefore supported the above-mentioned provision of the proposal submitted by Czechoslovakia. At the same time, they said that they had no intention of minimizing, disregarding or denying the role played by the other means of settlement or the freedom of the parties to choose the means they preferred, but wished merely to put on record the undeniable fact that in their international affairs, including legal disputes, States had recourse to negotiation more frequently than to any other means of settlement. That was due to the intrinsic nature of negotiation, a direct, prompt and flexible means of settling all kinds of disputes. In most cases, negotiation would be most conducive to positive and lasting results. It was stated that the paramount role played by negotiation had been consecrated in many and diverse international instruments and that the history of international relations abounded in examples of settlement arrived at through negotiations.

197. The above-mentioned representatives were unable to accept the interpretation that it was by chance that the authors of the Charter had given negotiation first place in Article 33, but thought it must be assumed that in so doing they had wished to mark their approval of the undeniable tendency of States to resort in the first place to negotiation in seeking to settle international disputes. The sponsor of the proposal concerned emphasized in part II of the proposal that Article 33 should not be considered in isolation, but rather as a prologue to Chapter VI of the Charter; the interpretation must therefore be that the Charter gave first place to negotiation as a means of settlement. He believed that that was perfectly proper, negotiation being a method which could not be unilaterally renounced. The sponsor of the above-mentioned proposal added that, since it nevertheless was the parties to a given dispute who were better placed than anyone else to judge whether it should be settled by a means other than negotiation, the list of those means was preceded, in the proposed text, by the phrase "and shall use, whenever appropriate and by common agreement".

198. In addition, those who believed that the role played by negotiation in the peaceful settlement of disputes deserved to be stressed pointed out that, since in their view the choice of a means of peaceful settlement could not be imposed upon States nor decided on beforehand, in order for the parties to a given dispute freely to select by common agreement the means of settlement they wished to use, having regard to the nature of the dispute and the relevant circumstances, they would necessarily have to resort to negotiation. One of those representatives considered it self-evident that the parties to a dispute must first seek a settlement by negotiation before having recourse to judicial settlement, a principle which seemed to be borne out by most bilateral treaties concerning the peaceful settlement of international disputes and which had recently been included in the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly at its twentieth session (resolution 2106 (XX) of 21 December 1965).

199. Another of those representatives stated that if negotiation was really to be a means of peaceful settlement, it must conform, like any other means of settlement, to the principles of contemporary inter-

national law, especially the equality of rights of the parties, strict respect for their sovereignty and their mutual interests, and non-intervention in internal affairs. Lastly, one representative rejected the argument that negotiation favoured the stronger party since, under international law, an agreement concluded by coercion or fraud would not be legally binding.

200. Other representatives recognized the importance of negotiation as one of the means of settlement but thought that it was neither appropriate nor desirable to give it primacy by ascribing to it special importance as compared with the other means. They were of the opinion that the Charter did not give priority to negotiation and that there was no legal basis, nor would it be desirable to recommend the inclusion of a provision to that effect in the formulation of the principle of peaceful settlement as a statement *de lege ferenda*. It was pointed out that the very concept of "negotiation" was ambiguous as it could have more than one meaning. It might refer simply to negotiations designed to define or determine the issues on which the parties were divided. It could also mean that the parties should settle their disputes by making mutual concessions. But when a State considered that it was faced with an unjustified demand presented by another State, the method of negotiation, in so far as it could be said to involve mutual concessions, might in fact result in injustice. While major international questions, such as disarmament, could be resolved only by a patient process of negotiation, other problems did not necessarily yield to that kind of treatment, particularly when a dispute arose between two States differing in power and size. In that case, the smaller State might be put at a disadvantage by the use of that procedure. Thus, in given circumstances, negotiation could sometimes be the most difficult means for the parties to use, and hence the weaker party should not be prevented from resorting to means entailing the participation of third parties.

201. Where the parties to a dispute entered into negotiations a settlement might ensue, but in practice that did not always happen. If the two parties to a dispute were obviously equally powerful the negotiations might prove unfruitful and the dispute might remain unsettled for a long time, which might create constant friction and sometimes even lead to a breach of the peace. The intervention of third Powers or of international bodies was therefore becoming increasingly important and it was a method which was frequently used, particularly when negotiations had failed. Moreover, there was nothing to prevent the use of both procedures simultaneously. In addition, it should be possible to have recourse to a third party or to an international body at any stage of the settlement of the dispute. All those elements of ambiguity implicit in the concept of negotiation would become more marked if special importance was given to that particular form of peaceful settlement in formulating the principle of the peaceful settlement of disputes. It was also stated that the growing importance of other means of settlement, such as mediation, good offices and arbitration, was becoming increasingly apparent. Consequently, the representatives in question considered that the lessons to be learnt from the recent practice of States showed that: (a) a certain latitude should be allowed in the choice of means of settlement; (b) negotiation was not always the most effective means; (c) certain types of disputes particularly lent themselves to an arbitral or judicial solution.

202. With regard to the proposal of Czechoslovakia, a number of representatives observed that the changes made in the text submitted by that same country to the 1964 Special Committee (see A/5746, para. 129) at Mexico City were a considerable improvement but that even now they were not fully consistent with the provisions of the Charter. The changes which those representatives regarded as improvements were the following: (a) the transposition of the phrase "having regard to the circumstances and the nature of the dispute" to the beginning of the paragraph, since it would thus apply both to negotiation and to the other means of settlement; (b) the replacement of the words "shall enter first into direct negotiation" in the Mexico City text by the words "shall first seek its just settlement by negotiation"; and (c) the replacement of the words "may also use by common agreement" by the phrase "shall use, whenever appropriate and by common agreement". The deletion of the word "direct" which qualified "negotiation" appeared to be an improvement, since in the view of some of those representatives it was sometimes difficult to enter into "direct negotiations" as a first step, there were negotiations which were not direct, such as those in which recourse was had to the intervention of third parties, and Article 33 of the Charter mentioned "negotiation" without any qualification. It was also noted with approval that the word "just" had been inserted to describe the settlement to be achieved through negotiation. In conclusion, it was noted that, while the text submitted by Czechoslovakia at the Mexico City session used the word "shall" in connexion only with negotiation and used the word "may" in connexion with the use of other means of settlement, the new text seemed to prescribe two duties: first, the duty to seek a settlement by negotiation, and secondly, the duty to use, by common agreement, other means. Nevertheless, the representatives in question felt that they could not support the new text because it still implied a primary and prior legal obligation to negotiate, while the choice of the other means of settlement was made dependent on "common agreement" thereby depriving the parties of an option which the Charter left open and differentiating between mandatory and optional means of settlement which could lead to many difficulties. Thus, for example, one representative pointed out that, if a State refused to enter into bilateral negotiations with another State and preferred to use another means of settlement, it might be alleged that it had violated its international obligations.

203. There was no doubt, according to some of those representatives, that the settlement of a dispute must be preceded by some sort of preliminary negotiation to determine the means to be used, but the proposal of Czechoslovakia would make negotiation the principal means for the actual settlement of the dispute, for which there was no justification whatever in the light of Article 33, paragraph 1, of the Charter. The two types of negotiation were very different. In the first case negotiation was mandatory, whereas in the second there was nothing which bound parties to make use of that means of settlement first. Neither negotiation as a means of settlement nor any other means should be imposed on the parties.

204. A third group of representatives considered that, as the parties were free to choose the means of settlement, having regard to the nature and the circumstances of the dispute, it was inadvisable to single out negotiation from the other means even though in

practice it might be the means most often used by States. That would not be realistic and it might lead to disregard for the sovereignty of the parties. One of those representatives said that it was not to be inferred from the words "first of all" in Article 33, paragraph 1, that negotiation was in all cases the most appropriate means and the means which should always be used first. Those words simply meant that the Charter prescribed the duty of the parties to seek a solution first of all by any of the means enumerated in that Article before having recourse to the Security Council. Another pointed out that a formulation which gave preference to negotiation might give rise to abuses, since a party which did not wish to reach a settlement could deliberately opt for negotiation knowing that the subject of the dispute did not lend itself to negotiation. Finally, it was emphasized that negotiation should be entered into in good faith, without pressure of any kind, and that in no case could the legitimate interests of a third State or people be placed in jeopardy since those interests must not be affected by the settlement negotiated.

205. The representatives who were opposed to giving any preference to negotiation in the enumeration of the means of peaceful settlement, or considered it inappropriate to do so, were in favour of basing that enumeration on the text of Article 33 of the Charter. For that reason, they advocated basing the wording of that provision of the principle of the peaceful settlement of disputes on paragraph 2 (b) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) or on paragraph 2 of the proposal of Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 161 above).

206. Lastly, one representative felt that, as far as that question was concerned, the proposal of Czechoslovakia (see para. 158 above) reflected the practice of States and general international law more exactly than the other texts submitted to the Special Committee, which did not recognize the pre-eminence of negotiation and its place as *primus inter pares* among the means of peaceful settlement of disputes. Without wishing to minimize the role of the other means of settlement, he favoured the adoption of a text which would emphasize the important role of negotiation in terms similar to those of the proposal submitted to the Special Committee at its 1964 session at Mexico City by Ghana, India and Yugoslavia (A/AC.119/L.19) (see also A/5746, para. 129).

(ii) *Inquiry, mediation and conciliation*

207. In paragraph 2 of the proposals submitted by Czechoslovakia; in sub-paragraph 2 (b) of the proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands; and in paragraph 2 of the proposal submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see paras. 128, 159 and 161 above), inquiry, mediation and conciliation were mentioned among the means of peaceful settlement. During the discussion, mediation and conciliation were mentioned as being especially appropriate for the settlement of non-legal disputes. However, one representative pointed out that non-judicial means of settlement, such as inquiry, mediation and conciliation, might fail if the parties involved maintained their original positions and refused to compromise. Even if the parties were disposed

to do so, many disputes remained unsettled because of the inherent difficulties of these methods.

(iii) *Arbitration*

208. Paragraph 2 of the proposal submitted by Czechoslovakia; sub-paragraph 2 (b) of the joint proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands; and paragraph 2 in the joint proposal submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see paras. 158, 159 and 161 above) all included arbitration among the means of peaceful settlement of disputes. Some representatives stressed the suitability of this means for the solution of legal disputes.

209. Paragraph 3 (b) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above), also mentioned recourse to arbitral tribunals in connexion with disputes relating to the interpretation or application of conventions (see para. 242 below).

(iv) *Judicial settlement*

210. This means of settlement was included among those listed in paragraph 2 of the proposal of Czechoslovakia (see para. 158 above), in sub-paragraph 2 (b) of the joint proposal by Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) and in paragraph 2 of the joint proposal submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 161 above).

211. During the discussion a number of representatives stressed the advantages of this means, especially for the settlement of legal disputes. The debate centred on the question whether, in the formulation of the principle of the peaceful settlement of disputes, mention should or should not be made of the role of the International Court of Justice and whether it was advisable to recommend that States should accept the compulsory jurisdiction of the Court in accordance with Article 36, paragraph 2, of its Statute.

212. Some representatives said that no formulation of the principle of the peaceful settlement of disputes would be complete unless the International Court of Justice was mentioned. The Court was a principal organ of the United Nations and all Member States were *ipso facto* parties to its Statute; the provision appearing in Article 36, paragraph 3, of the Charter should also be taken into account. Those representatives felt that, if the aim was to encourage the judicial settlement of disputes, it was necessary to strengthen the role of the International Court of Justice. In that connexion, the attention of the members of the Special Committee was drawn to General Assembly resolution 171 (II) of 14 November 1947 which recommends "as a general rule that States should submit their legal disputes to the International Court of Justice". Those representatives expressed satisfaction that certain new States, such as Kenya and Nigeria, had accepted the compulsory jurisdiction; they expressed the hope that their example would be followed and that those States which had accepted the compulsory jurisdiction of the Court with reservations would withdraw those reservations at least in part. On that point, the representative of Japan mentioned the proposal (A/AC.119/L.18 and Corr.1) (see also A/5746, para. 136) made by his country dur-

ing the 1964 Special Committee's session in Mexico City. The representative of Nigeria recalled that his country had accepted the compulsory jurisdiction of the International Court of Justice on the sole condition of reciprocity.

213. Some of those representatives pointed out that it was imperative to study seriously the criticisms and reservations made by certain new States with respect to the International Court of Justice and its function in the peaceful settlement of disputes. Those representatives stated that the membership of the Court and the fact that international law was still insufficiently developed gave rise to certain misgivings. Nevertheless, one representative observed that the codification and development of international law was inevitably a slow process and that, moreover, the interpretation of codifying conventions could create difficulties. He added that it should not be forgotten that the Court itself played an important part in the process of developing and establishing norms of international law. In his opinion, the strengthening of the Court's role would make it easier for legal disputes between States to be resolved in conformity with legal norms.

214. Those representatives who sought to include, in the formulation of the principle of the peaceful settlement of disputes, a reference to the role played by the Court supported the provision contained in paragraph 3 (a) of the proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) which stipulated that as a general rule legal disputes "should" be referred to the International Court of Justice and that States should endeavour to accept the jurisdiction of the International Court of Justice pursuant to Article 36, paragraph 2, of the Statute of the Court. Similarly, paragraph 3 (b) of the same proposal stated that general multilateral agreements concluded under the auspices of the United Nations should provide that disputes relating to the interpretation or application of the agreements which the parties had been unable to settle by other peaceful means, might be referred to the International Court of Justice or to an arbitral tribunal on the application of any party (see paragraph 242 below). In paragraph 3 (c) of the proposal, the sponsors also recommended that the efforts undertaken in the field of codification and progressive development of international law should be continued with a view to strengthening the legal basis of the judicial settlement of disputes (see paragraphs 246 and 247 below). The sponsors explained that the substance of the proposal was derived directly from the provisions of the Charter and the Statute of the Court, in particular Article 36 of the latter. They added that they were not trying to impose any line of conduct on States but only to make the principle of the peaceful settlement of disputes more effective. In their opinion, the principle would be greatly strengthened if more States had recourse to the Court. For that reason, they explained, they had confined themselves to such terms as "should" instead of "shall", had omitted the word "compulsory" before the word "jurisdiction", had used the expression "should endeavour to accept the jurisdiction", and had made no reference to the problem of the reservations which sometimes accompanied acceptance of the compulsory jurisdiction of the Court. Finally, in order to convince the States which had expressed doubts of the desirability of mentioning the role of the Court, they had included in their proposal the provision relating to the codification of international

law which appeared in paragraph 3 (c). One of the sponsors pointed out that it was desirable to develop and extend the judicial settlement of disputes for, while other United Nations organs, such as the Security Council, played a leading role in the non-judicial settlement of disputes, it should not be forgotten that such organs often remained virtually paralysed because of serious conflicts of interest between the parties or through lack of agreement among the permanent members of the Council.

215. By contrast, other representatives opposed or did not consider appropriate or useful any specific reference to the International Court of Justice in the enunciation of the principle or any recommendation for the general acceptance of its jurisdiction and in particular of its compulsory jurisdiction. Those representatives recognized that the Court constituted one of the principal organs of the United Nations and played an important role in the development and application of international law. Nevertheless, they stressed that, although it had been set up for the peaceful settlement of international disputes of a purely legal character, the Court suffered from defects which must be remedied if it was to perform fully the function for which it had been established. In that respect, it was pointed out that the legal and political realities of international life must not be lost sight of. If States rarely had recourse to the International Court of Justice and preferred other means of peaceful settlement, it was said they did so because they had strong reasons. Moreover, they stated, in the formulation of the principle, priority should not be given to judicial settlement over the other means of peaceful settlement. In that connexion, it was pointed out that the Special Committee should avoid formulating provisions of an institutional character and should rather concentrate on enumerating the basic norms underlying the principle. The Charter did not debar Member States from setting up, by means of treaties, permanent tribunals distinct from the Court and from submitting their disputes to them. Article 95 of the Charter expressly recognized that right. Consequently those representatives, while admitting that the reference in Article 33 of the Charter to "judicial settlement" meant a settlement by the International Court of Justice, felt unable to support paragraph 3 (a) of the five-Power proposal (see para. 159 above).

216. According to one representative a revision of the Statute of the Court would help to eliminate those factors which now reduced the efficiency of that organ as a means of settling international disputes. Another representative stressed that the proposal in question, while perfectly acceptable to his delegation, raised the difficult problem of drawing a clear line of demarcation between legal and political disputes. In his opinion, the term "legal disputes" should be regarded as applying only to those which were purely legal in character.

217. With regard to the usefulness or advisability of adopting general declarations urging or recommending States to accept the compulsory jurisdiction of the International Court of Justice, a number of representatives set forth the reasons which, in their opinion, explained the reluctance of many States to accept such jurisdiction. The main arguments put forward by one or other of those representatives were the following: recent international practice did not justify attempts to extend the compulsory jurisdiction of the Court; the need to take into account the freedom of the parties to settle each specific dispute by the means which they

considered most appropriate; the need for more equitable representation in the membership of the Court; the still vague and fragmentary state of international law.

218. Some representatives recalled that the San Francisco Conference had rejected the inclusion in the Charter of the compulsory jurisdiction of the International Court of Justice; they maintained that its widespread acceptance seemed unlikely at present. That was confirmed by the Geneva Conference of 1958 on the law of the sea and by the Vienna Conferences of 1961 and 1963 on diplomatic relations and consular relations respectively, at which the principle of the compulsory jurisdiction of the Court had not been accepted. It was also stated that, although the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (General Assembly resolution 1763 (XVII) of 7 November 1962) provided that disputes could be referred to the International Court of Justice, it specified, in addition, that that could only be done at the request of all the parties to the dispute, if they did not agree to another means of settlement. Similarly, it was observed, the negative attitude of most States towards the draft articles on arbitral procedure,³⁵ prepared by the International Law Commission, was due specifically to the inclusion in that draft of the concept of compulsory jurisdiction. Finally, it was pointed out that many States which had accepted the compulsory jurisdiction of the Court had attached reservations which deprived their acceptance of any real value.

219. With regard to the membership of the International Court of Justice, it was affirmed that, if it was desired that States should be less reluctant to have recourse to the Court and to accept its compulsory jurisdiction, it was essential to ensure a more equitable representation of the main forms of civilization and of the principal legal and social systems of the present-day world. Several representatives likewise insisted, for the same reasons, on the need to accelerate the progressive development of international law and its codification under Article 13, paragraph 1 (a), of the Charter. States feared that they would be subject to customary rules of international law which they did not recognize and which they had played no part in framing. Others added that the codification and progressive development of international law would facilitate the elimination of out-dated and unjust treaties by which the colonial Powers were guaranteed advantageous positions and economic, political and military privileges and would thus strengthen the confidence of the new States in international law and in the legal settlement of disputes.

220. Finally, one representative considered that, even if it was not possible in the present circumstances to extend the compulsory jurisdiction of the International Court of Justice, the importance of its role should at least be indicated and should not be disregarded in the formulation of the principle of the peaceful settlement of disputes. The same representative also attached considerable importance to the advisory functions of the Court, particularly in areas where it was difficult to separate the juridical elements of a problem from the political elements.

(v) *Resort to regional agencies or arrangements*

221. Resort to regional agencies or arrangements was among the means of settlement listed in paragraph

³⁵ Official Records of the General Assembly, Thirteenth Session, Supplement No. 9.

2 of the proposal submitted by Czechoslovakia (see para. 158 above), in sub-paragraph 2 (b) of the joint proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) and in paragraph 2 of the joint proposal submitted by Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 161 above). On the other hand, paragraph 4 of the proposal of Chile (see para. 160 above) provided that the right to have recourse to a regional agency did not preclude or diminish the right of any State to have recourse direct to the United Nations in defence of its rights.

222. Some representatives referred in their statements to the merits of the method in question for the settlement of disputes and favoured the development of all the possibilities offered thereby. In that connexion, certain representatives pointed out that regional organizations were often better qualified than world organizations to settle certain types of disputes arising within their own region.

223. Other representatives emphasized that recourse to regional agencies or arrangements should be in conformity with the United Nations Charter and subject to observance of the provisions of Articles 52 to 54 of the Charter. Such emphasis seemed necessary in view of the attitude adopted by certain countries towards the interpretation of Chapter VIII of the Charter. That viewpoint was reflected in the proposal of Czechoslovakia in which the words: "in strict accord with the Charter of the United Nations" were inserted in the portion dealing with resort to regional agencies. That insertion did not appear necessary to one representative, who felt, moreover, that it created a certain ambiguity since it could be interpreted as applying not only to regional agencies or arrangements but also to the means of settlement which preceded them in the list.

224. The sponsor of the proposal mentioned above (for text see para. 160) pointed out that paragraph 4 of his proposal was not intended to disavow or derogate from Article 52, paragraph 3, of the Charter, but rather to make it clear that the right in question could not prevent any party, should it deem it necessary, from having direct recourse to the Security Council or the General Assembly of the United Nations. The right to have such recourse, according to that representative, followed clearly from Article 52, paragraph 4, of the Charter, in conjunction with Articles 34 and 35. He added, further, that no regional agreement could deny such a right and lay down an obligation to settle disputes exclusively at the regional level, since such an obligation would be invalid under Article 103.

225. Some representatives expressly supported the proposal just mentioned, or parts of it, while pointing out that some regional situations could endanger world peace, and that consequently no State should be precluded from having direct recourse to the United Nations. Nevertheless, one representative considered that there was no conflict—as the proposal seemed to imply—between the provisions of the Charter regarding peaceful settlement and the provisions describing the functions and powers of the Security Council and the right of Member States to have recourse to it. The fact that a particular procedure for peaceful settlement had been initiated could not alter the legal right of a Member State to have recourse to the Council in defence of its rights; the same was true, however,

for all methods of peaceful settlement and there was no reason why only one such method should be singled out for mention. Moreover, the selection of that particular method, namely, recourse to regional agencies, seemed to suggest a derogation from Article 52, paragraph 2, of the Charter, which enjoined Members to make every effort to achieve pacific settlement of local disputes through regional arrangements or regional agencies before referring them to the Security Council.

(vi) *Resort to the competent organs of the United Nations*

226. Paragraph 3 (d) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above), with a view to ensuring that the principle of peaceful settlement would be applied in a more effective manner, provided that the competent organs of the United Nations "should avail themselves more fully of the powers and functions conferred upon them by the Charter in the field of peaceful settlement, with a view to ensuring that all disputes are settled by peaceful means in such a manner that not only international peace and security but also justice is preserved".

227. The sponsors of the proposal explained that they had sought to take into account the general desire to develop the exercise of the powers and functions relating to the peaceful settlement of disputes conferred upon the competent organs of the United Nations by the Charter. The States Members of the United Nations should avail themselves more fully of the means of settlement thus offered to them, not only in order to avoid resort to force but also to ensure the settlement of the dispute itself. Consequently, that proposal indicated that, while the settlement should favour the maintenance of international peace and security, it should also serve the interest of "justice".

228. Some representatives considered that resort to international agencies would best ensure the improvement of procedures for the peaceful settlement of disputes. Some expressly supported the proposal (A/AC.125/L.25). Others said that the formulation of the principle would be more complete if it contained a reference to resort to the organs of the United Nations. Lastly, some representatives declared that the development of the powers vested in the General Assembly by the Charter offered particularly important prospects in regard to peaceful settlement.

229. Commenting on the five-Power proposal (see para. 159 above) one representative welcomed the stress laid on the preservation of "justice" in that proposal, but considered that a reference to more use of the powers and functions of the competent organs of the United Nations should be included in a pre-ambular paragraph which would cover all the principles in the future declaration. One of the sponsors was opposed to that idea and stated that the reference, which reflected a proposal (A/AC.119/L.22) submitted by Canada to the 1964 Special Committee (see also A/5746, para. 135) formed an essential part of the proposal.

(vii) *Good offices*

230. Some representatives considered that in the list of peaceful means of settlement to be included in the formulation of the principle, "good offices" should be expressly added to the means specified in Article 33 of the Charter. In that connexion, it was said that the usefulness of "good offices" had been demonstrated

anew at Tashkent in 1966. That viewpoint was adopted in the joint proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above): in paragraph 2 (b) "good offices" was listed among the peaceful means of settlement.

231. Other representatives did not consider it necessary to add a reference to "good offices" to the list of peaceful means of settlement. There were three main arguments advanced in favour of that position: (a) "good offices" was not a means of settlement in the strict sense of the term but merely a prelude to negotiation or to the application of any other peaceful means of settlement; (b) "good offices" was, in any event, covered by the expression "other peaceful means" which should come at the end of the proposed list of means of settlement, as it did in Article 33 of the Charter; (c) although it was possible, in theory, to distinguish between "mediation" and "good offices", it was difficult to do so in practice. One representative pointed out that in section II of the proposal (A/AC.125/L.16) submitted by his country, "mediation" should be interpreted as including "good offices".

4. Other questions relating to the principle of peaceful settlement and its application

(a) *Resort to means of peaceful settlement does not derogate from the sovereignty of States*

232. This question was dealt with in paragraph 2 (d) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above).

233. In order to remove uncertainties which sometimes existed in international relations, several representatives supported the inclusion in the formulation of the principle of a provision laying down that resort to means of peaceful settlement did not derogate from the sovereignty of States. It seemed to them that a provision of that nature would be useful and in conformity with the Charter and international law. The submission of a dispute to one or other of the procedures for peaceful settlement, according to these representatives, constituted a supreme manifestation of the sovereignty of the State since it was an act of its own free will. It was also observed by one representative that, in accepting the obligations imposed by the Charter, Member States had accepted its provisions even if such acceptance derogated slightly from their sovereignty. The sponsors of the proposal in question said that, when a third country proposed a particular mode of settlement to the parties to a dispute, that should not be regarded as impairing the sovereignty of the States concerned. One representative said, however, that he could not support the above proposal (for text see para. 159 above) since no express mention was made in the text of the fact that recourse to, and acceptance of, a settlement procedure must take place on the basis of mutual agreement between the parties.

(b) *The duty to continue to seek a settlement of a dispute*

234. Paragraph 2 (c) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) contained a provision to the effect that the failure of one means of settlement should not cause the parties to abandon their efforts to solve a dispute peacefully.

235. Some representatives supported this proposal. One representative felt that the provision as worded in the proposal was less comprehensive than Articles 25 and 37 of the Charter and suggested that the provi-

sion should be made more specific by bringing it in line with the Articles in question. In that regard, it was pointed out by the sponsors that their intention had been to cover the question of the reference of disputes to the Security Council in paragraph 3 (d) of their proposal and not in the provision concerning the duty to continue to seek a settlement. However, they recognized that paragraph 3 (d) was addressed only to the organs of the United Nations, and said that any suggestion which might improve the text in that regard would be welcomed. Another representative said that the idea behind the five-Power proposal was also contained in the proposal submitted by Czechoslovakia (see para. 158 above).

(c) *The duty to refrain from aggravating the situation*

236. Two of the proposals submitted contained provisions on the duty to refrain from aggravating the situation, namely paragraph 2 of the proposal of Chile (see para. 160 above) and paragraph 4 of the proposal of Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 161 above). Some representatives expressly supported the purposes of the relevant provisions of these proposals, and others said that a formula should be found which would combine both proposals.

237. The Chilean sponsor said that his intention was to ensure that while a means of peaceful settlement was being used the parties should not take action which might aggravate the dispute. That duty on the part of States would involve, according to this representative, two obligations: first, that of refraining from changing the *de facto* situation which had given rise to the dispute; secondly, that of taking preventive measures to avoid or lessen tensions. At the same time, he explained that the provision only related to the pacific settlement of international disputes, dealt with in Chapter VI of the Charter, and not to cases of a threat to the peace, breach of the peace, or act of aggression covered by Chapter VII of the Charter. In the latter case the situation would fall under the principle of the prohibition of the threat or use of force, so that his proposal in no way derogated from the powers of the Security Council, under Article 40 of the Charter, to take measures to prevent an aggravation of a situation of that nature. One representative, however, thought that the proposal could have unacceptable consequences if it was adopted as a statement of law. It might imply that the mere initiation of the procedure for peaceful settlement would oblige the aggrieved party immediately to acquiesce in the *status quo*—which in his view would not be in accord with the Charter. As written it would appear to prohibit changes which would diminish the dispute, as well as those which would enlarge it.

238. The sponsors of the proposal which appeared in paragraph 161 above also indicated that its purpose was to prevent any aggravation of a dispute which had arisen, stressing not only the duty of the parties to the dispute but also, and especially, the duty of third parties in that regard. These representatives said that external influences by third parties which were prejudicial to the solution of disputes must be condemned, since they could lead to the generalization of conflicts which were originally limited in character.

(d) *The duty to settle territorial and frontier disputes by peaceful means*

239. None of the proposals submitted to the Special

Committee contained any explicit reference to the duty to settle territorial and frontier disputes by peaceful means. In the course of the debate, however, certain representatives referred to the serious nature of this class of disputes and their dangers: for international peace and security, stressing the importance for all States, and particularly for the new States, that such disputes should be resolved peacefully. One representative referred in that connexion to section VI of the Declaration adopted by the Cairo Conference in 1964 and urged that, in the formulation of the principle of the peaceful settlement of disputes, an express reference should be made to the duty of resolving solely by peaceful means disputes which arose from territorial and frontier questions, such a reference being based on paragraph 5 of the proposal submitted by Ghana, India, and Yugoslavia (see also para. 137, A/5746) at the session of the 1964 Special Committee.

(c) *Disputes relating to the application and interpretation of conventions*

240. Paragraph 3 (b) of the proposal of Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above) and paragraph 3 of the proposal of Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 161 above) dealt with the question of the inclusion in international conventions of clauses relating to the settlement of disputes.

241. Several representatives supported the basic idea of those proposals for including in the formulation of the principle of peaceful settlement of disputes a provision recommending that States should include in international agreements clauses concerning the settlement of disputes which arose between the parties with regard to such agreements. Some of these representatives expressed their preference for the wording in the five-Power proposal (see para. 159 above) while others preferred that used in the ten-Power proposal (see para. 161 above).

242. The sponsors of proposal A/AC.125/L.25 considered that, since the contents of general multilateral agreements resulted from efforts in which the entire international community participated, a State, if it acceded to those agreements, should not have the power to decide unilaterally on their interpretation or application: consequently, such agreements should include provisions on means of settlement such as arbitration, without prejudice to the provisions of Article 95 of the Charter, or recourse to the International Court of Justice. It was pointed out that a number of agreements already conferred jurisdiction on the International Court of Justice in respect of the interpretation and application of their terms, and it was added that this type of compulsory jurisdiction in a particular agreed field, although more restricted in range than the optional clause in the Statute of the Court, would help to widen the Court's compulsory jurisdiction and had the merit of being more acceptable to States. Moreover, the fact that one party could bring the matter before the Court and that the Court could render a binding judgement might, in the view of the sponsors, promote the negotiated settlement of a particular dispute.

243. The five-Power proposal, and in particular the reference to arbitral tribunals and to the jurisdiction of the International Court of Justice, was considered appropriate by some representatives, but others were opposed to the adoption in any form of a general state-

ment urging States to accept the obligation to submit to the International Court of Justice disputes relating to the interpretation or application of treaties and conventions.

244. The sponsors of the ten-Power proposal considered that its text, which appeared in paragraph 161 above, was simply a reflection of international practice. It was frequent in international life for the contracting parties to mention, in the final clauses of treaties, the means by which they would settle any dispute which might arise between them in relation to the treaty in question. As that practice had brought positive results it would be good to encourage it and make it a rule. This did not imply any priority for one means of settlement over another, or the imposition of a particular means of settlement on the parties against their will, since the parties themselves, by mutual agreement, would lay down in the treaty the method or methods which they considered most appropriate for the settlement of possible future disputes. It was also pointed out that this type of clause helped considerably to promote the settlement of disputes since at the time of concluding a treaty the parties were more inclined to give their consent to a method of settlement than after a dispute had arisen. This approach received the support of a number of other representatives.

245. The five-Power proposal referred to "general multilateral agreements concluded under the auspices of the United Nations" whereas the ten-Power proposal was worded more generally, referring to "bilateral and multilateral agreements". One representative thought that the best solution would be to combine, in some manner, the provisions of the two proposals on this point.

(i) *Codification and progressive development of international law*

246. Some representatives stressed that the codification and progressive development of international law were of great importance as a means of obtaining general and unqualified acceptance of arbitration and the judicial settlement of disputes, and that, consequently, the work of codification undertaken within the framework of the United Nations and a number of other international organizations should be encouraged. That view was expressed in sub-paragraph 3 (c) of the proposal submitted by Dahomey, Italy, Japan, Madagascar and the Netherlands (see para. 159 above), which, on the basis of a proposal submitted by Ghana, India and Yugoslavia to the 1964 Special Committee (see also A/5746, para. 137) urged States Members of the United Nations and United Nations groups to continue their efforts in the field of codification and progressive development of international law.

247. Certain representatives also emphasized that the codification and progressive development of international law would help to dispel the misgivings of States, particularly the new developing countries, about the compulsory jurisdiction of the International Court of Justice. By participating in the formulation of contemporary international law through the process of codification and progressive development, the new States would be able to play a part in bridging the gap which sometimes existed between the present-day international legal order—which was the product of an era when their interests had not been considered—and justice. By way of example, it was mentioned that with regard to responsibility of States and to foreign invest-

ments many of the rules of traditional international law conflicted with the interests of the new economically weak States.

C. DECISION OF THE SPECIAL COMMITTEE

1. Recommendations of the Drafting Committee

248. The Drafting Committee submitted the following recommendations (A/AC.125/6) to the Special Committee concerning the peaceful settlement of disputes:

I. TEXT

"1. Every State shall settle its international disputes with other States by peaceful means, in such a manner that international peace and security, and justice, are not endangered;

"2. States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute;

"3. The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them;

"4. States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations;

"5. International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by the parties shall not be regarded as incompatible with sovereign equality;

"6. Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes."

II. PROPOSALS AND AMENDMENTS SUBMITTED TO THE SPECIAL COMMITTEE ON WHICH THE DRAFTING COMMITTEE REACHED NO CONSENSUS

A. Means of peaceful settlement of international disputes

Czechoslovakia (A/AC.125/L.16, part II)

"2. Having regard to the circumstances and the nature of the dispute, the parties to any international dispute shall first seek its just settlement by negotiation..."

B. Reference of legal disputes to the International Court of Justice

Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1)

"3. In order to ensure the more effective application of the foregoing principle:

"(a) Legal disputes should as a general rule be referred by the parties to the International Court of Justice, and in particular States should endeavour to accept the jurisdiction of the International Court of Justice pursuant to Article 36, paragraph 2, of the Statute of the Court".

C. Right of any State to have recourse direct to the United Nations

Chile (A/AC.125/L.26)

"4. That, by virtue of Articles 52, paragraph 4, and 103 of the Charter of the United Nations, the right to have recourse to a regional agency in pursuit of a pacific settlement of a dispute does not preclude or diminish the right of any State to have recourse direct to the United Nations in defence of its rights".

D. Exercise by the competent organs of the United Nations of the powers and functions conferred upon them by the Charter in the field of peaceful settlement

Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1)

"3. In order to ensure the more effective application of the foregoing principle:

"...

"(d) The competent organs of the United Nations should avail themselves more fully of the powers and functions conferred upon them by the Charter in the field of peaceful settlement, with a view to ensuring that all disputes are settled by peaceful means in such a manner that not only international peace and security but also justice is preserved".

E. Disputes relating to the application and interpretation of conventions

Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1)

"3. In order to ensure the more effective application of the foregoing principle:

"...

"(b) General multilateral agreements, concluded under the auspices of the United Nations, should provide that disputes relating to the interpretation or application of the agreement, and which the parties have not been able to settle by negotiation, or any other peaceful means, may be referred on the application of any party to the International Court of Justice or to an arbitral tribunal, the members of which are appointed by the parties, or, failing such appointment, by an appropriate organ of the United Nations".

Algeria, Burma, Cameroon, Ghana, Kenya, Lebanon, Nigeria, Syria, United Arab Republic and Yugoslavia (A/AC.125/L.27)

"3. States should, as far as possible, include in the bilateral and multilateral agreements to which they become parties, provisions concerning the particular peaceful means by which they desire to settle their differences".

F. Codification and progressive development of international law

Dahomey, Italy, Japan, Madagascar and the Netherlands (A/AC.125/L.25 and Add.1)

"3. In order to ensure the more effective application of the foregoing principle:

"...

"(c) Members of the United Nations and United Nations organs should continue their efforts in the field of codification and progressive development of international law with a view to strengthening the legal basis of the judicial settlement of disputes".

249. The Chairman of the Drafting Committee introduced the above recommendations to the Special Committee at its 49th meeting on 21 April 1966. He said that the principle of peaceful settlement of disputes had been fully examined in the Drafting Committee's informal group deliberations. There, patience and persistence had succeeded despite the shortage of time. A compromise text (see para. 248 above) had emerged. He wished to make a few explanatory remarks concerning some paragraphs of that document. Paragraph 5 constituted an amalgam of paragraph 3 of the proposal by Czechoslovakia and paragraph 2 (d) of the five-Power proposal (see para. 248 above). The phrase "Recourse to, or acceptance of, a settlement procedure freely agreed to by the parties" was intended to cover not only recourse to or acceptance of a settlement procedure by the parties to an existing dispute, but also the acceptance in advance by States of an obligation to submit future disputes or a particular category of future disputes to which they might become parties to a specific settlement procedure. In paragraph 6, the phrase "provisions of the Charter" was intended to refer to the United Nations Charter as a whole. That made the meaning of the words "in particular" clearer.

2. *Discussion in the Special Committee on the recommendations of the Drafting Committee*

250. The recommendations of the Drafting Committee on the peaceful settlement of disputes were discussed by the Special Committee at its 49th meeting. In the course of that discussion a suggested change in paragraph 1 of the Drafting Committee's text was put forward, and later withdrawn. A number of representatives also explained the basis on which they were able to support the text on points of consensus recommended by the Drafting Committee. The discussion on these two matters is separately set out below.

(a) *Suggested addition to paragraph 1 of the text recommended by the Drafting Committee*

251. The representative of Algeria suggested that the word "all" should be inserted after the word "settle" in paragraph 1 of the text recommended by the Drafting Committee. That insertion would strengthen that paragraph by making it clear that every State should settle all, and not merely some of its international disputes by peaceful means. However, if his suggestion was likely to give rise to prolonged debate, he would withdraw it, as he did not wish to delay the work of the Special Committee.

252. The representative of India supported the suggestion of the representative of Algeria, since it would clarify the text. He thought it was the Drafting Committee's intention that all international disputes should be settled by peaceful means.

253. The representative of the United Kingdom said that he had some difficulty in accepting the suggestion made by the representative of Algeria; there were some international disputes which had been "frozen" for a certain period of time, as, for example, by the Antarctic Treaty of 1 December 1959.³⁶ He therefore appealed to the representative of Algeria not to press his suggestions at such a late stage.

254. The representative of the United States associated himself with the remarks of the representative of the United Kingdom concerning the suggestion made by the representative of Algeria. In that connexion, he pointed out that in the Drafting Committee some delegations had expressed the fear that the introduction of new language into provisions which were generally a repetition of Charter provisions might imply that they differed substantially from the terms of the Charter. The suggestion might therefore raise more problems than it would solve.

255. The representative of Algeria said that he would not press his suggestion. Nevertheless, it had been prompted by a desire to make the recommended text clear and more comprehensive. The representative of the United Kingdom had referred to some disputes which were "frozen"; in his delegation's view, however, inclusion of the word "all" in paragraph 1 would not imply that States were bound to solve their disputes by peaceful means immediately, but merely that they should use means of peaceful settlement to solve all their disputes. He wished to make it clear that his delegation interpreted paragraph 1 of the recommended text to mean that every State should settle all its international disputes, without exception, by peaceful means.

(b) *Explanations of vote*

256. Statements explaining the basis on which they could accept the text on points of consensus recom-

mended by the Drafting Committee were made, in the order indicated, by the representatives of Italy, the USSR, Netherlands, Burma, United Kingdom, France, Japan, Czechoslovakia, Sweden, United States, Australia, Canada, Dahomey, Venezuela and Poland.

257. The representative of Italy said that, speaking very generally, he could not but welcome the fact that a certain measure of agreement had been reached on the principle of peaceful settlement. In a spirit of co-operation, his delegation had done its best—as it would in the future—to urge the acceptance of the text. He must make it clear, however, that his delegation did not consider the text to be a correct and complete legal definition and elaboration of the principle, as established in the relevant provisions of the United Nations Charter, by the general practice of States within and without the United Nations as well as before the establishment of the Organization, and finally by the practice of the United Nations itself, as compared to the needs of the international community in the field of peaceful settlement. The principal faults which his delegation found were the following. First, too much stress was put, in the text before the Special Committee, on *ad hoc* agreement. It was a long time since States had begun to accept obligations of peaceful settlement in advance of a dispute and the text did not reflect that important reality and the obvious exigencies that the practice in question was intended to meet. Secondly, little or no mention was made of the International Court of Justice, and particularly of ways and means of promoting judicial settlement. Thirdly, the general reservation concerning sovereignty in the last sentence of paragraph 5 was not specific enough in referring to the acceptance in advance of "third party" procedures. Fourthly, the reservation of the powers and functions of United Nations bodies contained in paragraph 6 was, to say the least, inadequate. It was necessary, in his delegation's view, to invite United Nations bodies and Members to make fuller use of such powers and functions. That need could not be met by a mere reservation saving such powers from derogation. His delegation had wanted a positive hortatory clause, not just a reservation; indeed, a reservation as such was superfluous, because obviously the Special Committee was not empowered to recommend amendments to the Charter. In conclusion, his delegation viewed the text recommended by the Drafting Committee (see para. 248 above) as just a step in the Special Committee's work on the principle of peaceful settlement: further steps were indispensable if a correct and complete legal enunciation of the principle was to be achieved. The Special Committee itself could not consider its mandate accomplished on that topic. His delegation expressed its agreement with the text only subject to the conditions and reservations he had indicated.

258. The representative of the USSR said that for his delegation the principle of peaceful settlement was one of the fundamental principles of international law concerning the peaceful coexistence of States having different political, economic and social structures. Its inclusion in the declaration that the Special Committee was preparing would contribute to the strengthening and development of peaceful relations among all States and therefore to the maintenance of international peace and security. The importance of the principle was stressed in many paragraphs of the text recommended by the Drafting Committee. Moreover, the text contained provisions aimed at securing a proper and just implementation of the principle in practice. First, the

³⁶ United Nations, *Treaty Series*, vol. 402.

text rightly reflected the fact that in settling their disputes States should be guided by the principle of free choice of means by agreement between the parties. The means of pacific settlement were listed in accordance with the general provisions of international law and, in particular, with the United Nations Charter. Negotiation headed that list as it did in the Charter; that was a reflection of the important position which it occupied in international relations. Secondly, the text reflected the fact that disputes must be settled on the basis of the sovereign equality of States. In that connexion, the first sentence of paragraph 5 was entirely correct. The second sentence of that paragraph was so clear and self-evident that there would seem to be no need to include it. However, a wish had been expressed that the principle of sovereign equality should be re-emphasized, and his delegation found it possible to agree to the inclusion of the sentence, considering that its purpose was to strengthen the principles of sovereign equality and free choice of means.

259. The representative of the Netherlands said that his delegation had taken special note of the interpretation which the Chairman of the Drafting Committee had given to paragraphs 5 and 6 of the text (see paragraph 249 above). The text as a whole, from the viewpoint of the codification and progressive development of international law, was clearly insufficient, and constituted only the minimum on which a consensus could be reached. It therefore represented just one step, which in due course should be followed by others.

260. The representative of Burma said that his delegation, as a sponsor of the ten-Power joint proposal (see para. 161 above), would like to see paragraph 3 of that proposal included in the consensus text for the reasons already stated by the proposal's sponsors. Burma strongly supported the principles of peaceful coexistence, as it had demonstrated by its actions in the international field, and sincerely believed in peaceful settlement of disputes; it supported the primacy of negotiations and was convinced that diplomatic negotiations constituted the most effective method of peaceful settlement. Burma would like to see States parties to an international dispute give precedence to negotiations over other forms of peaceful settlement. His delegation could have accepted many of the proposals and amendments on which the Drafting Committee had reached no consensus. His delegation had already made known its views concerning the reference of legal disputes to the International Court of Justice, both in the 1964 Special Committee and at various sessions of the General Assembly. While it would like to accord great importance to the juridical settlement of disputes, it felt that first the composition of the International Court of Justice would have to be improved in the light of the admission of new Members to the United Nations and international law would have to be more developed. His delegation fully supported the text recommended by the Drafting Committee.

261. The representative of the United Kingdom said that his delegation associated itself with the interpretation of the recommended text given by the Chairman of the Drafting Committee. In his delegation's view, the recommended text was a compromise formula representing *only the minimum* amount of progress in formulating the principle on which general agreement could be reached. Some proposals to which his delegation attached importance had not been included, in particular, those listed under points B, D, E and F

of section II of the consensus text (see para. 248 above) and further efforts would have to be made to expand the area of agreement with the text recommended.

262. The representative of France stated that the consensus text was, by definition, the result of a process of concession and compromise. His delegation found it difficult to reconcile the need for compromise, inevitably involving political considerations, with the fact that the Committee was called upon to formulate general principles of international law which would have to be strictly construed as legal texts. He shared the regret of some delegations that it had not been possible to achieve a consensus on all the proposals submitted, particularly those regarding the role of judicial settlement and the International Court of Justice, and on the inclusion of provisions concerning peaceful means of settlement in bilateral and multilateral agreements. In addition, there was no mention of the efforts of the competent United Nations organs and the need for Members to have recourse to those organs. The text was therefore not exhaustive and, while his delegation could accept it, it hoped that at a future stage the text would serve as a basis for a complete and exhaustive formulation of the principle.

263. The representative of Japan welcomed the fact that agreement had been achieved on certain points of the principle of the peaceful settlement of disputes. However, as a sponsor of the five-Power proposal (see para. 159 above) he was far from satisfied with the recommended text, which he deemed insufficient. He also considered that all the points on which agreement had not been reached remained open for further consideration and elaboration. His delegation would, however, accept the recommended text since it marked a small but significant step forward in the Committee's efforts to amplify the principle.

264. The representative of Czechoslovakia said that his delegation regarded the principle of peaceful settlement as the corner-stone of international law and welcomed the fact that it had been possible to draft a text on it after the failure to do so recorded at Mexico City. There were, however, two main defects in the recommended text. First, paragraph 1 did not indicate that international disputes should be settled solely by peaceful means, as had been suggested in the Czechoslovak proposal (see para. 158 above). Secondly, paragraph 2 laid no particular stress on the role of negotiation as the most appropriate means of settling disputes. His delegation would reserve the right to introduce further proposals concerning the principle when it was discussed at the forthcoming session of the General Assembly.

265. The representative of Sweden stated that his delegation would support the recommended text although it was not completely satisfied with it and considered that it represented merely the minimum amount of agreement possible at the present stage. It did think, however, that the area of agreement within the Committee was in fact larger than might be supposed from that text. It could hardly believe, for example, that there was no agreement in the Committee on the desirability of continuing efforts to codify and develop international law and on the usefulness of such efforts for the peaceful settlement of disputes. He hoped that, in due course, agreement on such points would become possible and, in particular, that the increasing trend towards accepting the compulsory jurisdiction of the International Court of Justice would be reflected in a statement indicating the desirability of such ac-

ceptance. He also hoped that agreement would eventually be possible on the desirability of including a clause in bilateral and especially in multilateral treaties concerning the peaceful settlement of disputes arising out of those treaties.

266. The representative of the United States said that he agreed that the recommended text was not an exhaustive statement of the principle, particularly in view of the lack of agreement on points B, D, E and F in part II of the consensus text (see para. 248 above). It did, however, represent a substantial and significant measure of progress and his delegation could support it. His delegation took note of the interpretation placed by the Chairman of the Drafting Committee on paragraphs 5 and 6 of the recommended text (see paragraph 249 above). It was especially important that paragraph 6 should refer to all the provisions of the Charter, and mention only in particular those relating to the pacific settlement since it would not be consistent with international law to say that a party to a dispute against which force had been used would be violating the principle of pacific settlement by exercising its right of self-defence—which paragraph 4 could be taken to imply.

267. The representative of Australia associated himself with the view that the recommended text represented the maximum amount of agreement possible at the present stage of the Committee's work. The principle would, however, have to be amplified before it could be considered an adequate formulation. Nevertheless, the text did represent a very real measure of progress over what had been achieved at Mexico City and he would therefore support it. His delegation associated itself with the interpretation of the text given by the Chairman of the Drafting Committee, with the comments made by the representative of the Netherlands on paragraph 5 and with those made by the United States representative on paragraph 4.

268. The representative of Canada welcomed the fact that a certain measure of agreement had been reached on the principle of peaceful settlement, as shown by the recommended text. While the text was neither complete nor exhaustive, since agreement had not been possible on many valuable proposals, he was confident that it would serve as a useful and significant basis for the future work of the United Nations on the principle.

269. The representative of Dahomey also welcomed the fact that a measure of agreement had been reached on the principle. It should, however, be remembered that the consensus text was the result of a compromise. As a sponsor of the five-Power proposal (see para. 159 above), his delegation regretted that some of the points in that proposal had not been included in the text. Nevertheless, it did represent a great advance on the position reached at Mexico City. The world, and especially the weaker and poorer countries, needed a high judicial authority which would ensure that justice prevailed—a goal which was one of the purposes of the United Nations. The recommended text represented a first step in that direction and it was to be hoped that advances would continue to be made so that eventually all citizens of the world would be able freely to submit to a world judicial authority, either the existing body or a more universal one, which would treat each case on its merits, thus making negotiation, which favoured the stronger nation, unnecessary.

270. The representative of Venezuela said that on the whole his delegation could support the consensus text. It would, however, like to make two comments. First, the text did not mention the use of good offices as a means of peaceful settlement. That means was mentioned in article 21 of the Charter of the Organization of American States. Secondly, it was his understanding that the words "resort to regional agencies or arrangements" included resort to the United Nations itself.

271. The representative of Poland stated that his delegation considered the text recommended by the Drafting Committee to be a further step towards ensuring international peace and security. It would prefer, however, to have the word "solely" inserted before the words "by peaceful means" in paragraph 1, in order to stress the universal application of the principle. The text correctly stated the principle of free choice of means. His delegation would also prefer to stress the importance of negotiation as the most useful means of settling disputes. In general, however, it regarded the text as an outstanding achievement.

3. Decision

272. At its forty-ninth meeting on 21 April 1966, the Special Committee adopted unanimously the text setting out points of consensus on the principle of peaceful settlement of disputes which had been recommended by the Drafting Committee.

IV. The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter³⁷

A. WRITTEN PROPOSALS AND AMENDMENTS

273. Initially, two written proposals containing formulations of the duty not to intervene within the domestic jurisdiction of any State were submitted to the Special Committee jointly by India, Lebanon, the United Arab Republic, Syria and Yugoslavia, and jointly by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Amendments to the first of these proposals were submitted by Ghana. Subsequently, this first proposal was revised by its sponsors. Australia and Italy submitted a joint proposal to the Special Committee after the principle of non-intervention had been considered by the Drafting Committee.

274. In addition, draft resolutions of a largely procedural character were submitted by the United Arab Republic and by Chile. These resolutions were subsequently withdrawn in favour of a joint draft resolution by Chile and the United Arab Republic. Amendments to this latter draft resolution were submitted jointly by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America. A further draft resolution of a procedural character was submitted by Czechoslovakia, the substance of which was later incorporated in part III of the draft declaration by Czechoslovakia.

275. The texts of the above-mentioned proposals, amendments and draft resolutions are set out below.

276. Joint proposal by India, Lebanon, the United

³⁷ An account of the consideration of this principle by the 1964 Special Committee appears in chapter V of its report (A/5746).

Arab Republic, Syria and Yugoslavia (A/AC.125/L.12):

"1. No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements are condemned;

"2. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State;

"3. The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principles of non-intervention;

"4. No State shall interfere with or hinder, in any form or manner, the promulgation or execution of laws in regard to matters essentially within the competence of any State;

"5. No State shall use duress to obtain or maintain territorial settlements or special advantages of any kind;

"6. Aid and assistance given to peoples under any form of foreign domination does not constitute intervention."

277. Amendments (A/AC.125/L.18) by Ghana to the above joint five-Power proposal (A/AC.125/L.12):

1. Amend paragraph 1 to read as follows:

"1. No State or group of States has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any State. Consequently, armed intervention and all other forms of interference or [] threats against the personality of the State, that is, its territorial integrity, political, economic and cultural independence are prohibited under international law;"

2. Transpose present paragraph 4 and renumber it as paragraph 2.

3. Amend and renumber present paragraph 2 to read as follows:

"3. No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to compromise its sovereign rights or use duress to obtain or maintain territorial settlement or special advantages of any kind [];"

4. Accordingly, delete paragraph 5.

5. Renumber the second sentence of present paragraph 2 as paragraph 4, to read as follows:

"4. No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State or interfere with civil strife in another State;"

6. Renumber present paragraph 3 as paragraph 5.

7. Present paragraph 6 remains paragraph 6 without changes.

8. Add as paragraph 7 paragraph 8 in resolution 2131 (XX), to read as follows:

"7. Nothing in this declaration shall be construed as affecting in any manner the relevant provision of the Charter of the United Nations relating to the maintenance of international peace and security in particular those contained in chapters VI, VII and VIII."

278. Revised joint proposal by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (A/AC.125/L.12/Rev.1 and Corr.1):

Additional paragraphs for consideration in connexion with the text of General Assembly resolution 2131 (XX) of 21 December 1965:

"1. No State shall interfere with or hinder, in any form or manner, the promulgation or execution of laws in regard to matters essentially within the competence of any State;

"2. No State shall use duress, to obtain or perpetuate political or economic advantages of any kind;

"3. Aid and assistance given to peoples under any form of colonial domination does not constitute intervention".

279. Joint proposal by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.13):

"1. Every State has the duty to refrain from intervening, directly or indirectly, in matters within the domestic jurisdiction of any State. Every State has an inalienable right freely to choose its political, economic, social, or cultural systems, without intervention by another State, and the right freely to choose the form and degree of its association with other States, subject to its international obligations.

"2. In accordance with the foregoing principle:

"A. Every State shall refrain from the threat or use of force against the territorial integrity or political independence of any other State.

"B. No State shall take action of such design and effect as to impair or destroy the political independence or territorial integrity of another State.

"C. Accordingly, no State shall instigate, foment, organize or otherwise encourage subversive activities directed toward the violent overthrow of the régime of another State, whether by invasion, armed attack, infiltration of personnel, terrorism, clandestine supply of arms, the fomenting of civil strife, or other forcible means. In particular, States shall not employ such means to impose or attempt to impose upon another State a specific form of government or mode of social organization.

"D. The right of States in accordance with international law to take appropriate measures to defend themselves individually or collectively against intervention is a fundamental element of the inherent right of self-defence.

"3. Nothing in the foregoing shall be construed as derogating from

"A. the generally recognized freedom of States to seek to influence the policies and actions of other States, in accordance with international law and settled international practice and in a manner compatible with the principle of sovereign equality of States and the duty to co-operate in accordance with the Charter;

"B. the relevant provisions of the Charter of the United Nations relating to the maintenance of international peace and security, in particular those contained in Chapters IV through VIII."

280. Joint proposal by Australia and Italy (A/AC.125/L.36): After the Drafting Committee had completed its discussion of the principle of non-intervention, the representatives of Australia and Italy submitted to the Special Committee the following additional paragraphs for consideration in connexion with the text of General Assembly resolution 2131 (XX) of 21 December 1965:

"2D. It is the inherent right of a State which is the victim of intervention, by methods other than armed attack, in matters within its domestic jurisdiction, to take such measures individual or collective for its own protection as are appropriate, proportionate and in accordance with the Charter of the United Nations.

"3. Nothing in the foregoing shall be construed as derogating from:

"(a) The freedom which as a recognized fact is universally exercised by States in the normal course of their international relations to influence one another in accordance with international law and in a manner compatible both with the principle of the sovereign equality of States and with the duty of Members of the United Nations to co-operate in accordance with the Charter;

"(b) The relevant provisions of the Charter of the United Nations relating to the maintenance of international peace and security, in particular those contained in Chapters IV to VIII inclusive."³⁸

281. In regard to the procedural questions connected with this principle the proposals and amendments set out below were submitted.

282. Draft resolution by the United Arab Republic (A/AC.125/L.14):

"The Special Committee,

"Bearing in mind that the General Assembly has adopted a declaration on the inadmissibility of intervention (resolution 2131 (XX) of 21 December 1965),

"1. Reaffirms that the aforementioned declaration of the General Assembly enunciates an area of agreement;

"2. Instructs the Drafting Committee, without prejudice to the preceding paragraph, to direct its work regarding the duty not to intervene in matters within the domestic jurisdiction of any State, to the consideration of additional proposals with a view to expanding the area of agreement as formulated in General Assembly resolution 2131 (XX)."

283. Draft resolution by Chile (A/AC.125/L.15):

"The Special Committee,

"Bearing in mind that:

"(A) The General Assembly by its resolution 1966 (XVIII) of 16 December 1963 established this Special Committee to study and report on the principles of international law enumerated in General Assembly resolution 1815 (XVII),

"(B) The General Assembly by its resolution 2103 (XX) of 20 December 1965 definitively fixed the structure of this Committee, entrusting it *inter alia* with the task of considering the principle of non-intervention, and

"(C) The General Assembly in its resolution 2131 (XX) of 21 December 1965 adopted a Declaration on the inadmissibility of intervention which, by virtue of the number of States which voted in its favour, the scope and profundity of its contents, and in particular the absence of opposition or reservations, reflects a universal legal conviction which already constitutes an authentic and definite principle of international law,

"Resolves

"1. That with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965; and

"2. That the Drafting Committee will confine itself to gathering together those propositions supplementary to the above resolution which express the unanimous view of the members of the Special Committee."

284. Joint draft resolution by Chile and the United Arab Republic (A/AC.125/L.17):

"The Special Committee,

"Bearing in mind that:

"(a) The General Assembly, by its resolution 1966 (XVIII) of 16 December 1963, established this Special Committee to study and report on the principles of international law enumerated in General Assembly resolution 1815 (XVII),

"(b) The General Assembly, by its resolution 2103 (XX) of 20 December 1965, definitively fixed the structure of this Committee, granting it *inter alia* authority to consider the principle of non-intervention, and

"(c) The General Assembly, by its resolution 2131 (XX) of 21 December 1965, adopted a Declaration on the inadmissibility of intervention which, by virtue of the number of States which voted in its favour, the scope and pro-

fundity of its contents and, in particular, the absence of opposition reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law,

"1. Decides that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965; and

"2. Instructs the Drafting Committee, without prejudice to the provisions of the preceding paragraph, to direct its work on the duty not to intervene in matters within the domestic jurisdiction of any State towards the consideration of additional proposals, with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)."

285. Joint amendments by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.19) to the joint draft resolution by Chile and the United Arab Republic (A/AC.125/L.17):

"1. In preambular sub-paragraph (c):

"(a) After 'intervention' insert 'in the domestic affairs of States and the protection of their independence and sovereignty';

"(b) Replace 'reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law', by 'reflects, *inter alia*, a large area of agreement among States on the scope and content of the principle of non-intervention';

"2. In operative paragraph 1: replace 'abide by' by 'takes as a basis for its discussion'.

"3. In operative paragraph 2:

"(a) Replace 'additional' by 'all';

"(b) Replace 'with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)', by 'with the aim of securing the widest general agreement in the Special Committee on the legal definition of non-intervention.'"

286. Draft resolution by Czechoslovakia (A/AC.125/L.20):

"The Special Committee,

"Having considered, in pursuance of General Assembly resolution 2103 (XX), the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

"Bearing in mind that the General Assembly adopted, on 21 December 1965, by 109 votes in favour, none against, with one abstention, the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty [resolution 2131 (XX)], which had enunciated the principle of non-intervention,

"Recognizing that the Declaration reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law,

"Recommends the General Assembly to incorporate provisions contained therein in the Declaration to be adopted pursuant to paragraph 4 (c) of resolution 2103 (XX)."

287. Proposal by Czechoslovakia (A/AC.125/L.16, part III): The substance of the preceding draft resolution was also incorporated in part III of the draft declaration submitted by Czechoslovakia (A/AC.125/L.16) covering all principles before the Special Committee. It read as follows:

"It is proposed to incorporate in the present chapter the legal rules prohibiting intervention in matters within the domestic jurisdiction of any State, enunciated in the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, adopted by the twentieth session of the General Assembly on 21 December 1965 (resolution 2131 (XX)), which shall be strictly observed by all States in their mutual relations."

³⁸ These paragraphs had been under consideration in the Drafting Committee, in the form of Working Papers. They had been submitted to the Drafting Committee as alternatives to paragraphs 2D and 3 respectively of document A/AC.125/L.13.

B. DEBATE

1. *General comments*

288. The Special Committee considered the principle forming the subject of this chapter at its 8th to 18th meetings, from 14 to 21 March 1966, and at its 52nd meeting on 25 March 1966.

289. In their general comments on the principle of non-intervention, several representatives emphasized its importance for the promotion of friendly relations and co-operation among States. It was said that the application of the principle had become an integral part of modern international law and that it necessitated the recognition of the inalienable right of every people, large or small, to determine its own destiny, to choose freely its own form of political, economic and social development and way of life, based on its national requirements and aspirations, and to affirm its national identity free from outside interference or pressure. The principle of non-intervention was also an essential condition for the maintenance of Peace. One representative said that, with the consolidation and development of the principle of self-determination, it had acquired special importance, for the disintegration of the colonial system and the accession to independence of many new States had increased the need to protect the sovereignty and independent development of those States against any external interference.

290. Several representatives recalled that the principle of non-intervention had already been proclaimed and affirmed at Inter-American Conferences held in Montevideo, Buenos Aires, Chapultepec and Bogotá, by the Bandung Conference in 1955 and by the Belgrade and Cairo Conferences in 1961 and 1964, in the Pact of the League of Arab States, in the Warsaw Treaty, in the Vienna Conventions on Diplomatic Relations of 1961 and on Consular Relations of 1963, as well as in the Charter of the Organization of African Unity. One representative also said that it constituted one of the basic principles of the United Nations political and legal systems.

291. Another representative said that the principle, as it was applied in relations between States, was not explicitly set forth in the United Nations Charter but followed directly and necessarily from the prohibition of the threat or use of force and from the principle of the sovereign equality of States, since the preservation of the territorial integrity or political independence of States presupposed an obligation on the part of every State to respect those two elements of sovereignty. Secondly, the principle of the prohibition of the threat or use of force, as contained in the Charter, covered much of the same ground as the traditional concept of the principle of non-intervention. That fact had been acknowledged without discussion at the session of the 1964 Special Committee.

2. *The relevance of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (General Assembly resolution 2131 (XX)) for the Special Committee's work, and the question of instructions to the Drafting Committee*

292. Most of those representatives who spoke on the principle of non-intervention referred to the above Declaration, adopted by the General Assembly at its twentieth session in resolution 2131 (XX) of 21 December 1965.

293. In the debate relating to the Declaration and the draft resolutions and amendments thereto, it was generally agreed that that Declaration must be taken fully into account by the Special Committee and that it constituted an important instrument for its work. By its adoption the General Assembly had largely facilitated the work of the Special Committee, in comparison with the difficulties it had had to face at its session in Mexico City. Differences of opinion were, however, expressed on the extent to which resolution 2131 (XX) should be endorsed, clarified or modified by the Special Committee for the purpose of its formulation of the principle of non-intervention as a rule of international law.

294. In the view of certain representatives, the Special Committee should recommend to the General Assembly that it incorporate the relevant provisions of resolution 2131 (XX) in its eventual declaration on the seven principles before the Special Committee. They argued that the General Assembly was acting under Article 13 of the Charter and had, in effect, already done work of codification in respect of the principle of non-intervention. One representative said that such a course of action would be in accordance with the terms of reference of the Special Committee, contained in paragraph 4 (c) of resolution 2103 (XX) of 20 December 1965, whereby it was asked to submit conclusions and recommendations to the General Assembly. It would constitute an expression of satisfaction at the progress made by the General Assembly on the principle of non-intervention. All that the Special Committee could otherwise do would be to consider any proposals for additions to the elements formulated in resolution 2131 (XX). This was the approach of the draft resolution submitted by Czechoslovakia (see para. 286 above).

295. Many representatives similarly considered the Declaration contained in resolution 2131 (XX), as a great achievement by the United Nations and as a standard of conduct for all States. They stated that it was based on the widest possible consensus, as was indicated by the almost unanimous support it received when it was adopted. It was further said that the consideration of the principle of non-intervention by the Special Committee could not include reconsideration of a text adopted by the General Assembly without negative vote, and that the Special Committee, as a subsidiary body of the General Assembly, could not question the latter's decision. Nothing must be done which would in any way impair or minimize the value of the Declaration, jeopardize the progress which its adoption signified, or reopen questions on which the General Assembly had already taken a position. In the view of these representatives it was essential that the force of the Declaration should not be weakened. They considered the constituent elements of the Declaration as final and irrevocable and they were opposed to any change by amendment or deletion of some of these elements. One representative said that there could be no doubt that the Declaration embodied an authentic principle of international law, for it had been agreed upon in form and substance by 109 States, after exhaustive discussions. In such circumstances, it could be regarded as applicable under the provisions of Article 38 of the Statute of the International Court of Justice as a general principle of law.

296. Several representatives stated, however, that factors of the foregoing nature did not rule out the possibility of expanding the area of agreement reflected

in the Declaration, by adding additional elements and thus broadening the compromise established in the Declaration; nor did they exclude, in the view of some of these representatives, the possibility of improvement of the juridical formulation of the text of the Declaration through minor drafting changes not affecting the substance or weakening of the General Assembly text. However, the Drafting Committee's discussions should be limited to such changes. This was the approach of the draft resolutions submitted by the United Arab Republic and Chile (see paras. 282 to 284 above).

297. Other representatives acknowledged that the Declaration represented a milestone in the development of the political attitudes of the General Assembly towards certain of the most pressing problems of the day. At the same time, they considered that the Declaration was not intended as a legal document and could therefore not be substituted for the formulation of the principle which the Special Committee had been instructed to draft. They felt that some of the terms used in the Declaration did not respect the basic criteria which should be applied, and some of its parts were not sufficiently precise to be considered as statements of law. Some criticism was also expressed on certain points of drafting in resolution 2131 (XX). For example, one representative mentioned that two alternative readings of the second sentence of paragraph 1 were possible: either the word "interference" was qualified by the words "against the personality of the State or against its political, economic and cultural elements", or it was not. Since the word "interference" was usually accompanied by the preposition "with" rather than "against", it might be supposed that the term "interference" was used without qualification. The authors of operative paragraph 1 had undoubtedly been thinking of some sort of dictatorial interference, but the expression used in the text was so wide as to require tightening. Another representative said that while the English version of the second sentence of paragraph 1 of the resolution was admittedly ambiguous, the French version was open to only one interpretation. Other representatives referred to other drafting points which they considered as ambiguous. One representative wondered, for example, whether the terms "intervention" and "interference" differed in meaning and what were the criteria for determining whether a threat had been attempted.

298. Some of them recalled, in this connexion, statements made by their delegations in the General Assembly and in the First Committee at the time of the adoption of the draft Declaration, to the effect that it could not be regarded as an authentic and definite legal statement ready for incorporation as a definition of the law of the matter. They also said that, if the Committee was free to elaborate, amplify and clarify the often vague language of the Charter, it was *a fortiori* free to elaborate, amplify and clarify the wording of General Assembly resolutions. General Assembly resolutions were not treaties binding on Member States and none of them was sacrosanct for the Special Committee, which had a duty to consider their provisions from the standpoint of both form and substance and was entirely free to formulate the legal content of the principle of non-intervention without being bound in any way by the provisions of resolution 2131 (XX). If the Committee remitted the issue to the General Assembly, it would disregard the very purpose of the mandate given to it, particularly as the possibilities of

achieving agreement had not yet been exhausted. This approach to the problem was expressed in the amendments by Australia, Canada, France, Italy, the United Kingdom and the United States (see para. 285 above) to the draft resolution of Chile and the United Arab Republic (see para. 284 above).

299. To arguments of this nature, several representatives replied that the Declaration represented an embodiment, in both political and juridical terms, of the principle of non-intervention. The inclusion of certain elements of a political character in the Declaration, and objections that the content of some of its provisions were not clear, also applied to the United Nations Charter itself and to law in general. The General Assembly was a single entity and it therefore could not be said that some of its resolutions were political and others juridical. Some representatives expressed doubts as to whether, in the case of the text in question, a clear distinction could be drawn between political and legal considerations.

300. The decision taken by the Special Committee on the procedural resolutions and amendments before it (see paragraphs 282 to 287 above) dealing with the General Assembly Declaration, is contained in part C of the present chapter, together with other decisions by the Special Committee dealing with the principle of non-intervention.

3. *Prohibition of the threat or use of force against the territorial integrity or political independence of any State and the prohibition of actions designed to impair or destroy the political independence or territorial integrity of any State*

301. The proposal submitted jointly by Austria, Canada, France, Italy, the United Kingdom and the United States (A/AC.125/L.13, para. 2 A and B, see para. 279 above) contained provisions in paragraphs 2 A and B to the effect indicated in the present sub-heading.

302. Sponsors of this proposal stressed the close connexion between the prohibition of the threat or use of force and the principle of non-intervention and considered that illegal use of force constituted a violation of the principle of non-intervention. The same conclusion could, in their view, be reached from the perusal of resolution 2131 (XX) of 21 December 1965. They felt that it was the duty of the Special Committee to spell out what was meant by the reference to armed intervention in the Declaration; intervention based on the use of armed force was one of the commonest forms of intervention and any formulation of the legal principles of non-intervention should give due prominence to that example. Some of the sponsors explained their view that the draft did not limit the prohibition of intervention to armed force only and that it also covered economic and other types of action. It was designed to express, in a legally acceptable form, the notion of dictatorial interference and to introduce it into the general provisions of resolution 2131 (XX). They thus wished to draw attention to the fact that no action of whatever character should be taken which would in any way impair or destroy the territorial integrity or political independence of States—ideas which were clearly recognized and defined in international law. Thus that paragraph sought to express in legal terms the related principles set forth in the Declaration contained in resolution 2131 (XX).

303. However, this formulation was criticized by a number of other representatives. It was said that paragraph 2 of the six-Power proposal was based on the idea that the principle of non-intervention was limited to the prohibition of threat or use of force, in particular armed force. That was, in their view, a dangerous curtailment of the scope of the principle and an attempt to exclude a number of inadmissible acts from its field of application, for resolution 2131 (XX) condemned also other forms of intervention which threatened the personality of the State or its political, economic and cultural elements. Paragraph 2 tended to preserve the *status quo* that had existed before the adoption of the Charter, when the use of intervention had been only loosely limited. The concept of a *status quo* in international law was, however, alien to the method of progressive development that the Special Committee should adopt. It was also said that reference to the threat or use of force was out of place in a proposal concerning the principle of non-intervention and that it should rather be dealt with under the principle relating to the non-use of force. It was objected, furthermore, that the draft did not indicate who was to decide whether action was "of such design and effect as to impair or destroy the political independence or territorial integrity" of a State; nor was it clear whether the word "action" included both armed and unarmed action. Even more restrictive, however, was the fact that the draft referred to impairment or destruction of political independence and territorial integrity only, and omitted any reference to action against the political, economic, social or cultural systems of a State.

4. *Intervention against the personality of a State or against its political, economic and cultural elements, or in the internal or external affairs of a State*

304. Forms of intervention of the above nature were referred to in paragraph 1 of the joint proposal submitted by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 276 above) and in paragraph 1 of the amendment to that proposal submitted by Ghana (see para. 277 above).

305. Several representatives commented on the concept of the personality of the State, which appeared in resolution 2131 (XX) of 21 December 1965, and also in the above-mentioned drafts. One representative observed that paragraph 1 of both those texts mentioned some of the constituent elements of the personality of the State and, while that enumeration was not exhaustive, it represented a starting point which could serve as a basis for further work. He was of the opinion that a State had a distinct personality consisting of a number of components, the elimination of any one of which could result in the State's destruction. One representative thought it desirable to follow the words "the personality of the State" by an enumeration of its components, that is, its territorial integrity and political, economic and cultural independence. In the view of another representative, however, to do so would give another meaning to the concept. To other representatives the concept of the personality of the State was a complex matter requiring clarification. They sought to solve this difficulty by an effort to define more accurately the essence of the concept of the political independence of States, without using the expression "personality of the State" which some felt could not be considered as a legal term. This was criticized by some other representatives who said that, under cover of clarification, an idea had been eliminated as this approach failed to

condemn armed intervention or threats against the personality of a State or against its political, economic and cultural elements.

306. Several representatives proposed the elimination of "external affairs" in the introductory statement of the principle of non-intervention as formulated in resolution 2131 (XX). They said that it was impossible to find a generally accepted definition of what constituted intervention in the external affairs of a State and they found the terminology "internal and external affairs" inaccurate from a legal standpoint. In their view, intervention in external affairs was not subject to the same limitations as intervention in matters within the domestic jurisdiction of a State. A State's external affairs were governed by international law in so far as they were of legitimate interest to the other members of the international community. There were a number of spheres of the external affairs of States in which other States did intervene: for example, the use of influence in negotiations, the pressing of claims against other States and similar actions could not be considered as dictatorial interference. That did not mean that States had a right to interfere in a dictatorial way in the external affairs of other States. There were precise limitations in that connexion, but they derived from principles other than that of non-intervention, such as the principle prohibiting the threat or use of force, that of the sovereign equality of States, and that of the peaceful settlement of disputes. These representatives also preferred the formula "matters within the domestic jurisdiction" to any reference to "external and internal affairs". They said that the former expression was in conformity with the terms used to designate the principle in resolution 1815 (XVII) defining the Committee's mandate. Furthermore, the meaning of that expression was more accurate and easier to understand, since it covered questions which were not regulated by international law.

307. Other representatives, however, considered the concept of the external jurisdiction of the State as an essential element in any definition of the State and said that, by eliminating the vitally important ban on interference in external affairs, a dangerous element for small countries would be neglected. It was recalled that that form of intervention had been recognized as unlawful for the past thirty years by inter-American jurists and that the doctrine was reflected in the Montevideo Declaration of 1933, in the Buenos Aires Protocol of 1936 and again in the Charter of the Organization of American States of 1948. They said that the omission of intervention in the external affairs therefore represented a departure from resolution 2131 (XX) and was unacceptable to them.

5. *Coercion in order to obtain the subordination of the exercise of sovereign rights or in order to secure advantages of any kind*

308. A prohibition of coercion of the above nature was contained in paragraph 2 of the first proposal submitted jointly by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 276 above) and referred to in paragraph 3 of the amendments of Ghana (see para. 277 above) to that proposal.

309. While a group of representatives supported inclusion in the Special Committee's text of such forms of intervention, their formulation in the drafts before the Special Committee gave rise to certain reservations on the part of others. Reference was made, in particular, to the sentence "No State may use or encourage the

use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights or to secure from it advantages of any kind appearing in the five-Power proposal." The phrase "to coerce another State" could, in the view of some representatives, be read as introducing the remainder of the sentence so that to obtain the subordination of the exercise of sovereign rights and to secure advantages were only alternative means of coercion. Alternatively, the phrase could be read as relating only to the words immediately following, so that measures to secure from a State advantages of any kind, even when not coercive, were prohibited. Again, behind the question of legal formulation there lay a question of substance. If the second reading was correct, the paragraph should be supplemented to make it clear that ordinary negotiations and diplomatic relations were not prohibited. Some representatives thought moreover, that the legal concept of non-intervention related largely to the intention of one State to force another State to change its internal order. That intention must in fact exist on the part of the intervening State before the activities referred to could be said to be taking place, but it must at the same time be an abnormal or arbitrary form of coercion; also, the intention by itself was not enough if it did not have any effect.

6. *Subversive and other activities directed against another State or its régime*

310. Provisions designed to formulate in some detail a prohibition of the activities indicated in this sub-heading appeared in paragraph 2 of the proposal submitted jointly by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 276 above), and in sub-paragraph 2 C of the proposal submitted jointly by Australia, Canada, France, Italy, the United Kingdom and the United States (see para. 279 above). Paragraph 5 of the amendments by Ghana to the first of the foregoing joint proposals (see para. 277 above) also contained provisions to the same effect.

311. No extensive discussion took place in regard to these suggested forms of intervention. While the sponsors of the proposal submitted by Western European and other States considered their wording an improvement on the wording of the corresponding paragraph in the alternative proposal of non-aligned countries, other representatives thought, on the contrary, that it omitted certain details which were included in resolution 2131 (XX) of 21 December 1965, particularly the fact that States should refrain from assisting, financing or tolerating certain specific activities. The first sentence of sub-paragraph C of the proposal by Western European and other States was in their view very vague and ambiguous. In the second sentence, the word "means" was presumably limited to forcible means. One representative, however, considered that any formulation adopted should extend to the prohibition of propaganda against the régime of another State. The expression "to interfere" in paragraph 2 of resolution 2131 (XX) was not restricted to action by forcible means, and, on the whole, paragraph 2 of that resolution was a much better statement of the matter covered by sub-paragraph 2 C, of the proposal by Western European and other States.

7. *The use of force to deprive peoples of their national identity*

312. A provision prohibiting the use of force to deprive peoples of their national identity was con-

tained in paragraph 3 of the joint proposal submitted by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 276 above) and was referred to in paragraph 5 of the amendment of Ghana (see para. 277 above) to that proposal.

313. Sponsors of the joint proposal, and other representatives who supported the adoption of such a provision, stated that it definitely belonged in any text which the Special Committee prepared on non-intervention. It was stated that this had been the position of the General Assembly when it adopted resolution 2131 (XX) of 21 December 1965. One great development since the Second World War, which had resulted from the approval given in the United Nations Charter to the principle of self-determination, was the recognition of the legal importance of the concept of a "people". The struggle against the colonial yoke should therefore be regarded as legitimate. Since resolution 2131 (XX) had taken account of that development, it was perfectly natural that it should include a paragraph affirming that "All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure, and with absolute respect for human rights and fundamental freedoms." The General Assembly had in that manner pointed the way to the progressive development of the traditional concept of non-intervention. Moreover, that principle was implied in Article 2, paragraphs 4 and 7, of the Charter. With regard to the reference to "peoples" in paragraph 3 of the joint five-Power draft, it was pointed out that, while one spoke of sovereignty in connexion with States, it was actually peoples who exercised such sovereignty. In the view of these delegations, the Committee should not devote disproportionate time to fine points of definition, which could be taken care of by the Drafting Committee. They did not agree that paragraph 3 of the proposal in question was less relevant to the principle of non-intervention than it was to that of self-determination. For example, even if the territory of a State was occupied only temporarily by a foreign invader, great changes could take place during such occupation, the population could be removed and the structure of the State thereby destroyed.

314. Other representatives were unable to see what purpose a provision of this nature would serve. Moreover, the term "peoples", as used in the proposal did not cover States. The principle of non-intervention dealt with the duty not to intervene in the domestic affairs of States, not of peoples. Peoples did not necessarily constitute States under international law and consequently were not necessarily subjects of international law. The interpretation of sovereignty mentioned in the preceding paragraph was not agreed to by these representatives. They felt that logically and legally this subject matter fell under the principle of equal rights and self-determination of peoples; or under the protection of human rights, in the case of the internal use of force; or under the prohibition of the threat or use of force, in case of external use of force. Moreover, the meaning of the expression "national identity" was too vague and must be clarified.

8. *Interference with or hindrance of the promulgation or execution of laws in regard to matters essentially within the competence of any State*

315. A prohibition relating to the above matter was contained in paragraph 4 of the initial proposal and paragraph 1 of the revised proposal submitted by India,

Lebanon, the United Arab Republic, Syria and Yugoslavia (see paras. 276 and 278 above); and reference was also made to it in paragraph 2 of the amendment by Ghana (see para. 277 above).

316. In support of such a provision it was said that it was based on the text drafted by the Inter-American Juridical Committee relating to violations of the principle of non-intervention,³⁹ and was designed to stress the great importance of respect for the integrity of the legal system of States, which was one of the particular aspects of their territorial integrity.

317. However, to some other representatives, the wording of the proposal was unclear. It was said that no State had ever interfered with the promulgation of laws in other States. Under international law, the execution of the laws of one State in the territory of another State was not permitted unless that other State had given its consent. The expression "essentially" within the competence of a particular State implied that the matters in question were not solely within the competence of that State; thus, the provision would seem to prohibit interference in matters that involved the interests of other States or of international organizations. Moreover, it might happen that such promulgation or execution was contrary to international law, in which case interference could not be prohibited. Recourse to the United Nations against the adoption by a given country of legislation based on racial discrimination was given as one example.

9. *Duress to obtain or perpetuate political or economic advantages of any kind*

318. A prohibition of duress of the above nature was contained in paragraph 2 of the revised joint proposal submitted by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 278 above). In the original draft of the five Powers the wording was as follows: "No State shall use duress to obtain or maintain territorial settlements or special advantages of any kind." In paragraph 3 of its proposal, Ghana had proposed an amendment to this original five-Power draft (see para. 277 above), similar in wording to that eventually submitted in the revised joint proposal.

319. In support of the proposal it was said that it reflected another particular aspect of the principle of non-intervention, that it was based on paragraph 2 of resolution 2131 (XX) of 21 December 1965, and that there was no reason why the explicit terms "duress" or "coercion" should not be used. It was also recalled that the sub-paragraph had been based upon the draft instrument on violations of the principle of non-intervention prepared by the Inter-American Juridical Committee, and had not been the subject of any individual comment in the 1964 Special Committee. One representative pointed out that the word "State" was to be given the meaning attributed to it by paragraph 7 of the Declaration contained in resolution 2131 (XX).

320. In connexion with the original version of the proposal, certain representatives assumed that it was not the intention to suggest that valid and binding agreements involving territorial settlements could be departed from in the absence of agreement between the

parties. While duress vitiated consent in treaty law, its role was much more difficult to define in the context of territorial settlements, and reference to the use of duress to maintain such settlements should be clarified. The maintenance of territorial agreements, valid when entered into, should not be prohibited or prevented in any way.

10. *Aid and assistance to peoples under any form of colonial domination*

321. Reference to the above matter was contained in paragraph 3 of the revised joint proposal submitted by India, Lebanon, the United Arab Republic, Syria and Yugoslavia (see para. 278 above). In the original proposal of these five Powers, reference had been made to peoples under "foreign" domination.

322. Representatives who advocated the formulation of such an exception to the prohibition of intervention said that the proposal merely reflected the many recent resolutions of the General Assembly drawing attention to colonial problems giving rise to dangerous situations and asking States to assist in bringing about their solution. It constituted a formal recognition of the fact that the principle of non-intervention had acquired a new and universally valid dimension: the provision of assistance to peoples oppressed by any form of foreign domination, far from being a form of intervention in the internal affairs of a State, was in fact the duty of all States. Anything done to liquidate foreign domination—which was the worst form of intervention, since it prevented the cultural development of peoples—was welcome. One representative added that in the past some States—fortunately very few in number—had questioned and even denied the authority of the United Nations to intervene in certain questions endangering international peace and security, citing the principle of non-intervention in support of their stand. Their attitude had prevented the establishment of an atmosphere of understanding and trust among States and had also created a very dangerous precedent. Two or three Member States, which made apartheid and colonial domination national policies, continued to advance those unconvincing arguments against United Nations intervention in certain extremely important matters. It was clear that international action to destroy such evils did not constitute intervention in the domestic affairs of those States. On the contrary, because those policies were based on a grave injustice supported by force and repression, all States must pool their efforts to aid oppressed peoples. By so doing the international community would perform one of its main duties, namely, the elimination of all elements poisoning international life and endangering world peace.

323. This position was opposed by certain other representatives. They argued that paragraph 6 of the joint five-Power proposal referred to above, which repeated in amended form a former oral proposal of Algeria, appeared to give a State complete freedom to intervene whenever it considered that there existed in any other State elements under foreign domination. The wording of that paragraph might offer a loop-hole and a possibility for actions which they could not accept as permissible. It would give legal sanction to a form of intervention by force which appeared to these representatives to be contrary not only to the provisions of the Declaration contained in resolution 2131 (XX) of 21 December 1965 but also to those of the Charter.

³⁹ Pan American Union (Washington, D.C.), doc. CIJ-51, 1959.

If a specific exception to the prohibition on the threat or use of force was thus created by the Assembly, it would then be necessary to determine what were the circumstances in which the provision of aid and assistance would be justified. If the vernacular used in certain quarters was to be taken as a guide, it would be seen that neither military occupation nor colonial domination was actually what was meant, for there were a number of cases in which sovereign States, whose indigenous populations were admittedly fully in charge of their own Governments, had nevertheless been made the object of the use of force under the pretext of "anti-colonialism". Quite aside from the question of consistency with the provisions of the Charter, the paragraph involved the question of what sort of world the United Nations was trying to establish.

324. One representative asked whether the conclusion should be drawn, by reasoning *a contrario sensu*, that aid and assistance given to people not subjugated by any form of foreign domination did constitute intervention. He also observed that if the words "aid and assistance" were merely a discreet euphemism for "armed aid and armed assistance", then the proposal would be linked to the highly controversial concept of wars of liberation, on which it was doubtful that agreements could be reached and which, moreover, resolution 2131 (XX) was careful to omit. If, on the other hand, the aid referred to in that paragraph was of an economic or technical nature, all peoples and all Governments were entitled to engage in it in accordance with international law. One aspect of the principle of non-intervention which also was not covered in that resolution, but which in his view was of considerable practical and political importance and worthy of attention, was intervention at the invitation of the Government concerned.

11. Self-defence against intervention

325. Sub-paragraph 2 D of the joint proposal submitted by Australia, Canada, France, Italy, the United Kingdom and the United States (see para. 279 above) referred to a right of States in accordance with international law to take appropriate measures to defend themselves individually or collectively against intervention as a fundamental element of the inherent right of self-defence.

326. Representatives supporting the adoption of such a provision considered it of the utmost importance. While it had been omitted from General Assembly resolution 2131 (XX) of 21 December 1965, they observed that, in a political statement dealing with the principles of non-intervention, there would be no need to include a reference to closely related obligations and rights. None the less, as the Special Committee was seeking to formulate a statement of international law, it was correct and necessary to state the all-important principle that countries had a right to defend themselves against intervention. It was stressed that the paragraph referred specifically to the fact that action in self-defence must be taken in accordance with international law. That provision, far from being inconsistent with the Charter, sought to ensure recognition of the principle that States which were guilty of acts of intervention must realize that certain consequences would flow from those acts: in other words, that States against which intervention had been committed were not obliged to stand helplessly by but would have the right to take whatever action was permissible under interna-

tional law, and in accordance with the Charter, to defend themselves.

327. Other representatives considered the proposed provision as a dangerous departure from the Charter and from international law in general. It was pointed out, in particular, that it ignored Article 51 of the Charter, which was the sole basis for the exercise of the right of self-defence of States, and gave the impression that there were other justifications for the use of force in self-defence apart from those envisaged in Article 51. Such an excessively wide interpretation was considered by these representatives to be contrary to the spirit and the letter of the Charter and to be tantamount to an attempt to legitimize preventive war. In the view of some representatives, no group of States had the right to intervene in the affairs of another State on the pretext of collective self-defence, civil strife or infiltration. Some representatives wondered why the proposal, which dealt with the prohibition of the use of force, had been submitted under the principle of non-intervention. It was also said that the proposal was silent on the point whether reference was made to the right of self-defence under Article 51, or whether it was related to the regional arrangements under Article 53 of the Charter; it did not even refer to the Charter, but simply to "international law". The Charter was an international convention, and as such constituted an integral part of international law; but it very specifically regulated the conditions in which the right of self-defence might be exercised, and could therefore usefully have been mentioned expressly. Moreover, the proposal referred to the right of self-defence "against intervention" and it was not clear what this meant. Some of the delegations that were sponsoring the proposal had insisted, in the 1964 Special Committee, that it was almost impossible to define "intervention". If that was the case, the right of self-defence against intervention would rest on a very unsure ground, which could only lead to a dangerous broadening of the range of eventualities in which it could be exercised. Several representatives believed that, while the right of States to take certain measures against less open forms of intervention should be allowed for, it should be given a more precise definition than that contained in the proposal and that the formulation of the right of self-defence should be limited to the occurrence of an armed attack, in accordance with Article 51 of the Charter.

328. Replying to these objections, one representative expressed the view that States had the right to defend themselves against any form of intervention whatsoever until the Security Council took the necessary action. As to the point that the draft extended the legal scope of self-defence beyond the limits laid down in the Charter, he explained that this would constitute a violation of international law, which was excluded by the draft which limited the measures taken in self-defence to those which were "in accordance with international law".

12. The limitation of the scope of non-intervention

329. A provision referring to this question was contained in paragraph 3 of the joint proposal submitted by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see para. 279 above) and in paragraph 6 of the amendments by Ghana (see para. 277 above) to the five-Power proposal.

330. The debate on this question concentrated on the proposed formulation concerning a "generally recognized freedom of States to seek to influence the policies and actions of other States, in accordance with international law and settled international practice".

331. Sponsors and other representatives supporting such a formulation declared that it was in no way intended to suggest that intervention was permissible. The freedom referred to in the proposal was specifically to be exercised in accordance with international law. The idea underlying that paragraph was that, in the modern world, States were interdependent and were called upon by the Charter to co-operate in maintaining international peace and security. There might be many instances in which States should try to influence others to follow policies consistent with the maintenance of peace and security—or, to give another example, with the principle of respect for human rights. Thus, the idea that States should have freedom to influence the policies of other States seemed to these representatives to be essential to the fulfilment of the obligations of States to the international community. They considered it also as extremely important that the text of the principle should include general provisions which balanced the negative aspect of the formulation of prohibitions by saying that the ban on intervention did not extend to the practices which were generally recognized as not being unlawful in international law and in which all countries habitually engaged. Reference, in this connexion, was made to the Vienna Convention on Diplomatic Relations,⁴⁰ which stipulated in article 3 (b) that a diplomatic mission had the function of "protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law".

332. One representative, referring to the Vienna Convention, suggested an alternative phrase, reading as follows: "nor as affecting the right of any State to protect its interests and those of its nationals, within the limits permitted by international law, nor the right of promoting friendly relations and developing economic, cultural and scientific relations".

333. Other representatives stated that the proposed provision would legitimize intervention and was therefore unacceptable to them. They considered it as being incompatible with the purposes of the United Nations, especially that of developing friendly relations and co-operation among States, and as a negation of General Assembly resolution 2131 (XX) of 21 December 1965. It was said that there was no "generally recognized freedom" of States to intervene in the affairs of other States; what was essential was to define not the forms of influence that States exerted on each other, but rather the forms of manifestly unlawful pressure, on which the proposal was silent. Certain representatives also objected to reference to "settled international practice". If what was meant was the practice which for decades had been a source of threats to peace and was associated with a troubled past, then such practice was no longer acceptable today. One representative stated that if the proposal was not designed to limit the principle of non-intervention in the affairs of other States and referred only to ordinary diplomatic and consular activities, there was no need for the provision. The principle of non-intervention had never been considered to prohibit such activities which were now

governed by the Vienna Conventions on Diplomatic Relations and Consular Relations. If, on the other hand, it did seek to limit that principle, it was unacceptable to him.

C. DECISIONS OF THE SPECIAL COMMITTEE

1. *Decision on the draft resolution sponsored by Chile and the United Arab Republic*

334. At its seventeenth meeting, on 18 March 1966, the Special Committee took decisions on the draft resolution submitted by Chile and the United Arab Republic (see para. 284 above) and on the amendments to it submitted jointly by Australia, Canada, France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see para. 285 above).

335. Sub-paragraph 1 (a) of the six-Power amendment, reproduced in paragraph 285 above, was accepted by the two sponsors of the draft resolution.

336. A roll-call vote was taken on the amendment in sub-paragraph 1 (b) of the document reproduced in paragraph 285 above, with the following result:

In favour: Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Canada, France, Guatemala, Italy, Japan.

Against: Mexico, Nigeria, Poland, Romania, Syria, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Algeria, Argentina, Burma, Cameroon, Chile, Czechoslovakia, Dahomey, India, Kenya, Lebanon, Madagascar.

Abstaining: Venezuela.

The amendment was rejected by 19 votes to 10, with 1 abstention.

337. The vote on the amendment in paragraph 2 of document A/AC.125/L.19, reproduced in paragraph 285 above, also by roll-call, was as follows:

In favour: United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Canada, France, Italy, Japan, Netherlands, Sweden.

Against: Syria, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yugoslavia, Algeria, Argentina, Burma, Cameroon, Chile, Czechoslovakia, Dahomey, Ghana, Guatemala, India, Kenya, Lebanon, Madagascar, Mexico, Nigeria, Poland, Romania.

The amendment was rejected by 22 votes to 9.

338. The amendment in sub-paragraph 3 (a) of document A/AC.125/L.19, reproduced in paragraph 285 of the present chapter, was put to the vote, by roll-call, with the following results:

In favour: United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Canada, France, Italy, Japan, Netherlands, Sweden.

Against: Syria, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Algeria, Burma, Cameroon, Chile, Czechoslovakia, Dahomey, Ghana, Guatemala, India, Kenya, Lebanon, Madagascar, Mexico, Nigeria, Poland, Romania.

Abstaining: Venezuela, Argentina.

The amendment was rejected by 20 votes to 9, with 2 abstentions.

339. A roll-call vote was taken on the amendment in sub-paragraph 3 (b) of document A/AC.125/L.19, also reproduced in paragraph 285 of the present chapter, with the following results:

⁴⁰ United Nations, *Treaty Series*, vol. 500.

In favour: Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Canada, France, Italy, Japan.

Against: Nigeria, Poland, Romania, Syria, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Algeria, Burma, Cameroon, Chile, Czechoslovakia, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Mexico.

Abstaining: Sweden, Venezuela, Argentina, Guatemala.

The amendment was rejected by 19 votes to 8, with 4 abstentions.

340. The joint draft resolution (see para. 284 above) sponsored by Chile and the United Arab Republic, as modified by sub-paragraph 1 (a) of the six-Power amendment to it (see para. 285 above) was then adopted by the Special Committee by a roll-call vote of 22 votes to 8, with 1 abstention. The roll-call vote was as follows:

In favour: Venezuela, Yugoslavia, Algeria, Argentina, Burma, Cameroon, Chile, Czechoslovakia, Dahomey, Ghana, Guatemala, India, Kenya, Lebanon, Madagascar, Mexico, Nigeria, Poland, Romania, Syria, Union of Soviet Socialist Republics, United Arab Republic.

Against: United States of America, Australia, Canada, France, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Sweden.

341. The resolution, as adopted (A/AC.125/3) reads as follows:

"The Special Committee,

"Bearing in mind:

"(a) That the General Assembly, by its resolution 1966 (XVIII) of 16 December 1963, established this Special Committee to study and report on the principles of international law enumerated in General Assembly resolution 1815 (XVII),

"(b) That the General Assembly, by its resolution 2103 (XX) of 20 December 1965, definitively fixed the structure of this Committee, granting it, inter alia, authority to consider the principle of non-intervention, and

"(c) That the General Assembly, by its resolution 2131 (XX) of 21 December 1965, adopted a Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty which, by virtue of the number of States which voted in its favour, the scope and profundity of its contents and, in particular the absence of opposition, reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law,

"1. Decides that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965; and

"2. Instructs the Drafting Committee, without prejudice to the provisions of the preceding paragraph, to direct its work on the duty not to intervene in matters within the domestic jurisdiction of any State towards the consideration of additional proposals, with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)."

2. Explanations of vote

342. Explanations of vote on the draft resolution and amendments thereto were made by the representatives

of France, Japan, Czechoslovakia, Italy, Venezuela, the United Kingdom, Guatemala, Sweden, Australia, and the United States at the eighteenth meeting of the Special Committee on 21 March 1966.

343. The representative of France said that his delegation shared the disappointment of those who regretted the negative outcome of the discussion on the principle of non-intervention. When the Committee had voted on the draft resolution submitted by Chile and the United Arab Republic (see para. 284 above), it had been faced with a perfectly clear situation, since the laudable efforts of certain delegations to achieve a compromise on the meaning of some terms had failed; such a compromise might well have prolonged the disputes over interpretation in the Drafting Committee. His delegation had voted against that draft resolution because of certain points on which it had made comments. It had raised two objections to the words "Declaration... which... reflects a universal legal conviction...", etc., in preambular paragraph (c): first, that General Assembly resolutions did not possess the character of hard-and-fast rules which it was desired to attribute to them, although they were universal in scope and did influence international law; secondly, that resolution 2131 (XX) of 21 December 1965, in particular, had been drafted, debated and voted upon solely as a declaration designed to pass formal condemnation upon intervention. The Assembly had had neither the intention nor the means of giving a legal definition of the principle of non-intervention. His delegation had considered that the General Assembly, in adopting the Declaration the day after it had adopted resolution 2103 (XX) of 20 December 1965 containing the Special Committee's terms of reference, had not intended to repudiate its own earlier decision by restricting those terms of reference, so far as the principle of non-intervention was concerned, to the examination of the Declaration alone. His country's vote had therefore been a demonstration of respect for the clearly expressed will of the General Assembly. He also regretted that the text adopted by the Committee had deprived the Drafting Committee which was a negotiating committee as well, of the possibility of working for a reconciliation of views, which had seemed feasible in the light of some positive features of the preceding discussion. It was unfortunately to be feared that the adoption of the draft resolution had delayed a generally acceptable formulation of the principles of non-intervention for a long time.

344. The representative of Japan said that the Declaration contained in resolution 2131 (XX) was quite acceptable to his delegation as a statement of political intent but that, since the Assembly had not had time to make a thorough study, it could not be regarded as an adequate formulation of the principle from the standpoint of international law. He regretted that the Special Committee had not been able to take into account the reservations made to that effect when the terms of reference of the Drafting Committee had been laid down. Japan had voted against the draft resolution because it considered that that text failed to take into full account the amendments thereto (see para. 285 above) and the provisions of General Assembly resolution 2103 (XX) which emphasized "the significance of continuing the effort to achieve general agreement at every stage of the process of the elaboration of the seven principles...". However, his delegation's apprehension at the excessively restrictive conception of the Drafting

Committee's terms of reference had been largely allayed by explanations given of the nature recorded in paragraph 296 above of the present report; it hoped the Drafting Committee would be able to elaborate the principle in a satisfactory manner.

345. The representative of Czechoslovakia said that his delegation had voted in favour of the draft resolution because that text unequivocally upheld General Assembly resolution 2131 (XX), which had immense political and legal significance since the Declaration contained in it enunciated the basic elements of the legal principle of non-intervention. Czechoslovakia had cast its favourable vote on the understanding that the Special Committee would be required, at all stages of its work, to abide by the provisions of the Declaration, without departing from it and without narrowing its scope or content. With regard to the terms of reference of the Drafting Committee, his delegation considered that the task of that body was as follows: first, it was bound to preserve all the elements of the principle of non-intervention which were contained in the Declaration. Secondly, it was requested to consider additional proposals—namely those which, by their nature, complemented the definition given in the Declaration by adding new elements that would widen the area of agreement established by General Assembly resolution 2131 (XX). On that understanding, his delegation considered that the additional proposals could include both those submitted at the present session and those submitted at the 1964 session. His delegation had proposed that the Drafting Committee should be given a time-limit for the completion of its work on the principle of non-intervention because that principle had already been formulated fairly precisely and because the Drafting Committee should be allowed time to complete its work on the remaining principles. Because the draft resolution submitted by Chile and the United Arab Republic had been adopted, his delegation had decided not to press for a vote on its own draft resolution (see para. 286 above), but it reserved the right to reintroduce that proposal if, in its opinion, that should become necessary.

346. The representative of Italy said that his delegation's vote against the draft resolution adopted by the Special Committee at its previous meeting should not be taken as implying any disregard for General Assembly resolution 2123 (XX). As could be seen from the amendments (see para. 285 above) of which Italy had been a sponsor, the interpretation which those amendments placed on the Declaration did not coincide with the interpretation given in the draft resolution submitted by Chile and the United Arab Republic. In his delegation's view, the Declaration could not be regarded as a final legal formulation of the principle. He did not think the Committee had taken a wise decision, but he hoped that the Drafting Committee, despite its restrictive terms of reference, would be able to produce a text likely to constitute an acceptable basis for general consensus within the Special Committee.

347. The representative of Venezuela said that his delegation had voted for the draft resolution submitted by Chile and the United Arab Republic, which on the whole corresponded to its views. In the vote on the amendments (see para. 285) it had preferred to abstain on sub-paragraph 1 (b), because while the expression "reflects a universal legal conviction" did not seem to it altogether correct, in view of the different possible

meanings of the word "universal", the Venezuelan delegation had reservations about the formula proposed to replace it, namely, "reflects, *inter alia*, a large area of agreement...". It has also abstained on sub-paragraphs 3 (a) and (b) of the proposed amendments. On the other hand, it had voted against paragraph 2, in view of the fact that the expression "*se atenderá a*", used in the Spanish text of the draft resolution was more categorical than that proposed to replace it, which seemed to authorize the Drafting Committee to depart somewhat from the text of resolution 2131 (XX).

348. The representative of the United Kingdom said that his delegation could not agree that the Special Committee's task should be confined to incorporating in any formulation of the principle of non-intervention provisions contained in General Assembly resolution 2131 (XX), together with additional proposals on which general agreement might be achieved. For that reason his delegation had joined with others in submitting amendments designed to clarify the legal status and effect of resolution 2131 (XX) and to allow the Drafting Committee to fulfil its functions in conditions consistent with the terms of the mandate given to the Special Committee in General Assembly resolution 2103 (XX). Those amendments having been rejected, his delegation had been obliged to vote against the draft resolution. It would of course participate in the work of the Drafting Committee on the principle of non-intervention. His delegation appreciated the efforts made by certain delegations to give a more flexible interpretation to the resolution adopted. However, it would now be more difficult for the Drafting Committee to achieve general agreement on a formulation of the principle, and the United Kingdom delegation must accordingly reserve its position on any text which might emerge.

349. The representative of Guatemala said that his delegation had voted for the draft resolution submitted by Chile and the United Arab Republic in the first instance because operative paragraph 1 of the draft provided that the Special Committee was to abide by General Assembly resolution 2131 (XX). In the second place, the draft defined the Drafting Committee's mandate by instructing it to consider additional proposals with the aim of widening the area of agreement of resolution 2131 (XX). These provisions met the wishes expressed by his delegation on a number of occasions. So far as the amendments to the draft resolution were concerned, his delegation had voted for the substitution proposed in sub-paragraph 1 (b) because the words "reflects, *inter alia*, ..." seemed to correspond to a fact that could not be denied. On the other hand, it had felt unable to vote for the amendment to operative paragraph 1 because the draft resolution had originally been drafted in Spanish and the expression "*tenerse a*" meant the same as the term with which it was proposed to replace it in the Spanish text. Neither had it voted for paragraph 3 of the amendments, because given the limited time at the Drafting Committee's disposal it could not consider "all" the proposals, including those not aimed at widening the area of agreement of General Assembly resolution 2131 (XX) or other proposals such as, for example, that in paragraph 3 of the revised five-Power draft resolution (see para. 128 above), which his delegation regarded as contrary to the principle of non-intervention.

350. The representative of Sweden said that the task of the Special Committee, and of its Drafting Committee, was to seek a formulation which could be used by the General Assembly in drafting a declaration on the principles referred to the Special Committee. Under the terms of its mandate, the Committee was required to have particular regard to the practice of the United Nations and of States, the comments submitted by Governments, and the views and suggestions advanced in the General Assembly during the seventeenth, eighteenth and twentieth sessions. So far as the principle of non-intervention was concerned, his delegation did not think the Committee could fulfil its mandate by the mere mechanical endorsement of resolution 2131 (XX). For those reasons it had voted for paragraphs 2 and 3 of the amendments to the draft resolution submitted by Chile and the United Arab Republic, which would have given the Drafting Committee the necessary latitude. It had seemed to his delegation that the words "will abide by" in operative paragraph 1 of the draft resolution meant no more and no less than that the Committee should respect the substance of the Declaration. For that reason his delegation believed it was in agreement with the substance of the key operative paragraph of the draft resolution. His delegation had abstained in the vote on the draft resolution mainly because of the unqualified statement in the preamble that the Assembly's Declaration "reflects a universal legal conviction". It had felt that there was something paradoxical in deciding by a majority vote that something constituted a universal legal conviction even though express reservations had been voiced by a minority. Could a Committee really decide by a majority vote that it was unanimous? So far as the legal character of the Declaration was concerned, his delegation felt that some passages in it were merely hortatory, not legal, and that other passages were so vague that it was impossible to identify what, if any, legal conviction was behind them. His delegation had voted for sub-paragraph 1 (b) of the amendments concerning that point, the language of which it accepted. On the other hand, it had seen no substantive difference between the wording of sub-paragraph 3 (b) and the passage it was intended to replace, and had abstained on that amendment.

351. The representative of Australia said that his delegation had supported the Declaration contained in resolution 2131 (XX) as constituting an important statement of principle. Its vote against the draft resolution submitted by Chile and the United Arab Republic should not, therefore, be regarded as a vote against resolution 2131 (XX) itself, but against the terms of a procedural resolution which gave resolution 2131 (XX) an altogether incorrect legal character. When resolution 2131 (XX) had been adopted by the General Assembly his delegation, like many others, had stated that the Declaration did not, in its view, constitute a definitive formulation of the principle of non-intervention, and had added that it would be for the Special Committee to undertake that formulation. But the statement in paragraph (c) of the preamble to the draft resolution that the Declaration on the inadmissibility of intervention "reflects a universal legal conviction which qualifies it to be regarded as an authentic and definite principle of international law" clearly overrode that understanding. The operative part of the draft resolution was worded in rather general terms, and he hoped that the resolution just adopted (see paragraph

341 above) would not be applied in such a way as to depart from the Committee's mandate, which was to continue the effort to achieve general agreement at every stage of the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII).

352. The representative of the United States said that he had voted against the draft resolution because he had been unable, for the reasons he had explained at the seventeenth meeting, to endorse the proposition in paragraph (c) of the preamble. A universal legal conviction could not be brought about by legislation, particularly by legislation adopted by a mere majority. Moreover, the draft resolution was not compatible with the Special Committee's mandate, which was to achieve general agreement. Its adoption could be interpreted as an abandonment of efforts to achieve that aim, before those efforts had even begun. Nevertheless, he hoped that the work of the Drafting Committee would lead to satisfactory results. The United States wished to abide by the undertaking it had given in voting for resolution 2131 (XX), which marked an important date in the development of the political attitude of Member States towards the problem of non-intervention. For that reason it could not but oppose resolutely certain proposals which had been made in the Special Committee, whose effect would be in many respects to neutralize resolution 2131 (XX).

3. Report of the Drafting Committee

353. The Drafting Committee submitted the following report (A/AC.125/5) to the Special Committee on the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter:

"1. The Drafting Committee considered the above principle in accordance with the mandate given to it by the resolution of the Special Committee of 18 March 1966 (A/AC.125/3).

"2. No agreement was reached on the additional proposals made with the aim of widening the area of agreement of General Assembly resolution 2131 (XX)."

354. This report was introduced by the Chairman of the Drafting Committee in the Special Committee at its forty-seventh meeting on 16 April 1966. He recalled that, in respect of the principle of non-intervention, the Drafting Committee had been given a special mandate embodied in the resolution adopted by the Special Committee on 18 March 1966 (see para. 341 above). In that resolution, the Special Committee, bearing in mind the provisions of General Assembly resolutions 1966 (XVIII), 2103 (XX), and 2131 (XX), had decided, in paragraph 1, that with regard to the principle of non-intervention the Special Committee would abide by General Assembly resolution 2131 (XX) and, in paragraph 2, had instructed the Drafting Committee, without prejudice to the provisions of the preceding paragraph, to direct its work on the duty not to intervene in matters within the domestic jurisdiction of any State towards the consideration of additional proposals, with the aim of widening the area of agreement of General Assembly resolution 2131 (XX). It might also be recalled that, in respect of paragraph 1, the Special Committee had agreed on the construction to be placed on the words "will abide by", in relation to the work of the Drafting Committee. Briefly, it was that those words did not

preclude that Committee from making such drafting changes in General Assembly resolution 2131 (XX) as were of a purely drafting character, provided that no such drafting changes should cause any alteration in the substance of the resolution or reduce its full effect in any way. That had been the Drafting Committee's mandate. The negotiating machinery which it had set up for its work had been controlled entirely by the specific terms of that mandate. The fullest possible opportunity had been given to all members and non-members to participate in the examination of the principle, to which a not inconsiderable amount of time and effort had been devoted. All aspects of the principle had been given equal weight, and opportunity for their consideration had never been fettered. To his profound regret, however, he was unable to report any definite conclusions. The Drafting Committee had encountered at every turn an embarrassing lack of agreement. No drafting changes had been made in resolution 2131 (XX) and no agreement had been reached on the additional proposals made with a view to widening the area of agreement, in accordance with paragraph 2 of the Drafting Committee's mandate. Nevertheless, the exercise in which the Drafting Committee had engaged had been useful in its own way.

4. *Decision on the report of the Drafting Committee*

355. At its fifty-second meeting, on 25 April 1966, the Special Committee took note of the report (A/AC.125/5) of the Drafting Committee set out in paragraph 353 above (see chapter IX below for the discussion of this report in the Special Committee).

V. The principle of sovereign equality of States⁴¹

A. WRITTEN PROPOSALS AND AMENDMENTS

356. The Special Committee based its consideration of the principle of sovereign equality of States on the formulation of the principle adopted unanimously by the 1964 Special Committee and reproduced in its report to the General Assembly (document A/5746, paragraph 339/1/1). The part of this formulation setting out points of consensus reads as follows:

"1. All States enjoy sovereign equality. As subjects of international law they have equal rights and duties.

"2. In particular, sovereign equality includes the following elements:

"(a) States are juridically equal.

"(b) Each State enjoys the rights inherent in full sovereignty.

"(c) Each State has the duty to respect the personality of other States.

"(d) The territorial integrity and political independence of the State are inviolable.

"(e) Each State has the right freely to choose and develop its political, social, economic and cultural systems.

"(f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States."

357. Amendments to the above text were submitted by Czechoslovakia, by the United States of America, by the United Kingdom of Great Britain and Northern Ireland, by the United Arab Republic, by Kenya, and by Ghana. Cameroon submitted a sub-amendment to one

of the amendments by Czechoslovakia. The texts of these amendments, and the sub-amendment, are described below.

358. Amendment by Czechoslovakia (A/AC.125/L.8): At the fourth meeting of the Special Committee, on 10 March 1966, the representative of Czechoslovakia submitted orally the following amendments to the 1964 text:

1. Amend paragraph 1 to read as follows:

"All States enjoy sovereign equality. As subjects of international law they have equal rights and duties, and reasons of political, social, economic, geographical or other nature cannot restrict the capacity of a State to act or assume obligations as an equal member of the international community."

2. Amend paragraph 2, sub-paragraph (e) to read as follows: "Each State has the right freely to choose and develop its political, social, economic and cultural systems, and to dispose freely of its national wealth and natural resources."

3. Insert a new sub-paragraph between sub-paragraph (c) and (f) of paragraph 2, reading as follows:

"(f) Each State has the right to take part in the solution of international questions affecting its legitimate interests, including the right to join international organizations and to become party to multilateral treaties dealing with or governing matters involving such interests."

4. Renumber paragraph 2 (f) as 2 (g).

These amendments were subsequently circulated in document A/AC.125/L.8. At a later date the representative of Czechoslovakia submitted a draft declaration (A/AC.125/L.16, part IV), which formulated the principle of sovereign equality of States on the basis of his aforementioned amendments. The only difference between the draft declaration and the amendment appeared in paragraph 1, where the word "restrict" in the earlier document was replaced by the word "impair".

359. Sub-amendment by Cameroon (A/AC.125/L.10): Cameroon submitted a sub-amendment (A/AC.125/L.10) to the Czechoslovakia amendment (A/AC.125/L.8) which formulated sub-paragraph (e) of paragraph 2 as follows:

"Each State has the right to freely choose and develop its political, social, economic and cultural systems, and to enter into treaty or convention with any State or States of its choice for the disposal of its national wealth and natural resources within the territorial limits of the contracting States."

360. Amendment by the United States of America (A/AC.125/L.5): At the fifth meeting of the Special Committee, on 10 March 1966, the representative of the United States introduced an amendment to the 1964 text, to add the following new numbered paragraph:

"3. As a principle upon which the United Nations is based, sovereign equality prohibits arbitrary discrimination among States Members as regards the rights and duties of membership. In particular,

"A. No Member shall be deprived of equal enjoyment of the rights of membership except in accordance with provisions of the Charter, and

"B. All Members are equally obligated to share in bearing the burdens of membership to the extent of their respective capacities and in accordance with the provisions of the Charter."

361. Amendment by the United Kingdom of Great Britain and Northern Ireland (A/AC.125/L.6): At the same meeting the representative of the United Kingdom introduced an amendment to add the following numbered paragraph to the text:

⁴¹ An account of the consideration of this principle by the 1964 Special Committee appears in chapter VI of its report (A/5746).

"3. Every State has the duty to conduct its relations with other States in conformity with international law and with the principle that the sovereign of each State is subject to the supremacy of international law."

362. Amendment by the United Arab Republic (A/AC.125/L.9): Also at the fifth meeting the representative of the United Arab Republic submitted orally the following amendments:

(1) Add to paragraph 2, as new sub-paragraph (f), the following:

"(f) Each State has the right to dispose freely of its natural wealth and resources.

(2) Add to paragraph 2 the following sub-paragraph (g):

"(g) Each State has the right to remove any foreign military bases from its territory.

(3) Renumber paragraph 2 (f) as 2 (h);

(4) Add the following new paragraph 3:

"3. No State has the right to conduct any experiment or resort to any action which is capable of having harmful effects on other States."

These amendments were subsequently circulated in document A/AC.125/L.9.

363. Amendment by Kenya (A/AC.125/L.7): At the sixth meeting, on 11 March 1966, the representative of Kenya submitted an amendment to add the following new sub-paragraph to paragraph 2:

"Each State has the right to freely dispose of its national wealth and natural resources. In the exercise of this right, due regard shall be paid to the applicable rules of international law and to the terms of agreements validly entered into."

364. Amendment by Ghana (A/AC.125/L.11): The representative of Ghana submitted at the seventh meeting a number of modifications to formulate the principle as follows:

"1. Save as specifically provided for by the United Nations Charter, all States enjoy sovereign equality under international law.

"2. In particular, sovereign equality includes the following elements:

"(a) States are juridically equal.

"(b) Each State enjoys the rights inherent in full sovereignty.

"(c) Each State has the right to take part in the solution of international questions affecting its legitimate interests.

"(d) Each State may become party to multilateral treaties dealing with or governing matters involving its legitimate interests.

"(e) Every State has the right to join international organizations.

"(f) Each State has the duty to respect the personality of other States.

"(g) The territorial integrity or political independence of the State is inviolable.

"(h) No State shall conduct any experiment or resort to any action which is capable of having harmful effects on other States or endanger their security.

"(i) Each State has the right freely to choose and develop its political, social, economic and cultural systems.

"(j) Each State has the right to dispose of its national wealth and resources.

"3. Every State has the duty to conduct its relations with other States in conformity with international law."

B. DEBATE

1. General comments

365. The principle of the sovereign equality of States was considered by the Special Committee at its fourth to its seventh meeting, on 10 and 11 March 1966, and at its fiftieth meeting on 22 April 1966.

366. Several representatives made general comments on the importance of the principle of sovereign equality

and on the tasks the Special Committee had to perform in regard to it. The principle was described by one representative as a necessary element in the stabilization of relations among States and groups of States, and as the basis of peaceful coexistence of States having different political and economic structures. Another representative stressed that the principle of sovereign equality of States was centrally placed in the whole fabric of international law; it bordered upon the principles of the non-use of force and non-intervention, was closely linked to the principle of fulfilment of international obligations, and was connected with the principle of equal rights and self-determination of peoples. Furthermore, the principle of pacific settlement of disputes and the duty of States to co-operate with one another were necessary corollaries of the principle of sovereign equality. This made it necessary to avoid placing too great a stress on one aspect of the principle through the omission of the counterbalance resulting from the other aspects.

367. One representative emphasized that the questions discussed by the Special Committee were of vital importance to the developing countries. He stated that all countries should unreservedly accept the idea that the freedom of the developing countries was an accomplished fact, that those countries must be recognized as Powers in the same way as the more developed countries, and that the provisions of the Charter applied to them on the same terms as to the countries which had emerged before them on the international scene.

368. Some representatives agreed that the Special Committee had a task of codification to perform in the light of the changes which had taken place in international law since 1945, taking into account the demands of the modern world. One representative said that the work must be based on the text of the United Nations Charter, and should constitute an extension of the Charter founded on State practice, precedent and doctrine. He started from the consideration that the Charter must remain intact, and that there must be no weakening of the juridical obligations laid down in the Charter and accepted by all Member States. At the same time, the Special Committee should take a cautious attitude towards proposals concerning moral principles in relations among States which did not constitute universal rules.

2. Status of the text adopted by the 1964 Special Committee

369. Most of the representatives who took part in the debate referred to the points of consensus reached by the 1964 Special Committee in Mexico City, and agreed that the consensus text should be taken as a basis for a formulation of the legal content of the principle.

370. The 1964 text itself was not discussed in great detail. One representative observed that the five points listed in sub-paragraph 2 (a), (b), (c), (d) and (f), of the consensus (see para. 356 above) were those accepted by Commission I of the San Francisco Conference. Sub-paragraph (e), however, was a new element, and its adoption by the 1964 Special Committee had confirmed, in his view, the great progress made in economic and social matters since the adoption of the Charter. One representative considered that legal texts must, above all, have a permanent and universal character, and that the 1964 text was irreproachable

in that regard. Another representative, on the other hand, offered certain criticisms of the text. He said, with respect to paragraph 1 of the 1964 text, that, while it was true that all States were equal before the law, it was not true that they enjoyed the same rights or had the same duties. The formulation in sub-paragraph 2 (b) of the 1964 text that "each State enjoys the rights inherent in full sovereignty" was in his view a mere repetition of paragraph 1, and the proposition was false in case of non-sovereign States, or tautological in case that a State was sovereign. The ideas expressed in sub-paragraphs 2 (d) and (f) were repetitious of other principles.

371. Some differences of opinion were expressed in the Special Committee at the beginning of the debate as to whether the 1964 text should be considered as having exhausted the agreed content of the principle or whether the definition of the principle should take into account various other elements. In the view of certain representatives the consensus text reflected a high degree of unanimity with regard to the elements of the principle, based on detailed discussions and intensive negotiations, and should therefore be endorsed by the Special Committee as it stood. They regretted that points had been reintroduced by other representatives on which it had been impossible to reach agreement and on which there was probably no chance of reaching agreement. Many other representatives felt, however, that the text on the principle should contain a certain number of other important elements which could not be omitted without greatly diminishing its value. They proposed that the Committee, in order to improve the 1964 text, should take as its task the continuation of the work begun at Mexico City, concentrating in particular on the proposals made and views expressed there, while taking into account any new proposals that might be made.

372. As indicated in paragraphs 356-364 above, a number of amendments were submitted in the course of the discussion, designed to reformulate or supplement the 1964 text. The members of the Special Committee concentrated on the consideration of the additional elements set out below of the formulation of the principle, as contained in those amendments.

3. *Capacity of a State to act or assume obligations as an equal member of the international community*

373. A modification referring to the above subject was indicated in paragraph 1 of the amendments, submitted by Czechoslovakia (see para. 358 above).

374. Some representatives considered that it was essential to complete paragraph 1 of the consensus text by stating explicitly that the exercise of the rights in question could not be restricted or impaired for reasons of a political, social, economic, geographical or other nature. That idea was in keeping with the letter and spirit of the United Nations Charter. Other representatives thought that the amendment raised the question of what constituted a State and therefore posed practical problems. One representative said that the Committee could either regard only States Members of the United Nations as States, or could extend the use of the term to cover all States, when it would have to say exactly what is meant by the word "State". He also doubted the practical usefulness of the amendment. Representatives supporting the amendment said that it merely stressed the sovereign equality of all States,

and should not be abandoned simply because there was a dispute concerning the statehood of certain entities. Every rule of international law was addressed to States. Indeed, every sentence of the points of consensus contained the word "State". Moreover, the amendment did not require the Special Committee to decide which entities were States.

4. *The right of States to dispose freely of their national wealth and natural resources*

375. Modification concerning a right of the nature just mentioned were indicated in paragraph 2 of the amendment submitted by Czechoslovakia; in the amendment of Cameroon; in the amendment of Kenya; in paragraph 1 of the amendment by the United Arab Republic; and in sub-paragraph 2 (j) of the amendment by Ghana (see paras. 358, 359, 362-365).

376. Many representatives considered that the text on the principle would be incomplete unless such a right was mentioned. It was stressed that control over a territory, to be effective, implied a right of free disposal of the wealth encompassed by the boundaries of that territory and that the State concerned would no longer be sovereign if it lost control of one of its component elements. Moreover, the economic aspect of the principle of sovereign equality could not be separated from its political and legal aspects, for economic independence was one of the main guarantees of the effective and complete exercise of State sovereignty. The right to dispose freely of natural resources was a corollary of the sovereign equality of States, and was vitally important to the developing countries in their efforts to overcome factors which severely limited the prospects for expanding their economy and raising their peoples' level of living; it was particularly important to peoples recently liberated from colonial domination. Reference was made to the recognition of the right in the Final Act of the United Nations Conference on Trade and Development, General Principle Three;⁴² in General Assembly resolution 1803 (XVII) of 14 December 1962, part I, paragraph 5; and in the Belgrade and Cairo Declarations of non-aligned countries.

377. Certain representatives expressed doubts regarding the appropriateness of introducing the question of national wealth and natural resources into the definition of the sovereign equality of States, since the General Assembly had already adopted a resolution on the subject at its seventeenth session (resolution 1803 (XVII)) and it would continue to consider the matter at its forthcoming session. Also, the topic was not peculiarly relevant to the principle of sovereign equality; the right to dispose of natural resources was a right that States, which were by definition sovereign, exercised in the natural course of events.

378. Some other representatives, while recognizing the right, emphasized that it had to be exercised in conformity with and subject to the supremacy of international law and so as not to jeopardize arrangements which had been validly entered into and were now in operation, for treaties validly entered into were not incompatible with the sovereign equality of States. It was said that a formulation stating such a right would have to be balanced by references to the State's duty to fulfil its obligations in that regard, to co-operate with other States, and to settle disputes by peaceful means.

⁴² *Proceedings of the United Nations Conference on Trade and Development*, vol. I, *Final Act and Report* (United Nations publication, Sales No.: 64.II.B.11), Final Act, Second Part.

It would be incorrect to define the basic right in such terms as might allow a State to escape international obligations, as to do so would introduce an element of arbitrariness.

379. During the discussion, certain representatives were in favour of the adoption of amendments making the formulation of the right subject to certain qualifications. One representative, while agreeing that the right of free disposal of national wealth and natural resources was subject to the applicable rules of international law and to the terms of agreements entered into, stated that, nevertheless, some agreements on the subject had not been validly entered into and could not now be regarded as being in force; among these he included, in particular, agreements which had been applied by the colonial Powers to dependent territories which later gained their independence. Such agreements were anachronistic and one-sided, and they were not in keeping with the wishes or the interests of those territories.

5. *The right of States to take part in the solution of international questions affecting their legitimate interests*

380. Amendments referring to a right of the above nature were in paragraph 3 of the amendment submitted by Czechoslovakia (see para. 358 above) and in sub-paragraph 2 (c) of the amendment submitted by Ghana (see para. 364 above).

381. In the amendment submitted by Czechoslovakia the formulation made reference also to the right of a State to join international organizations and to become party to multilateral treaties dealing with or governing matters involving its legitimate interests. In support of the adoption of this amendment, it was said that the right was a necessary consequence of the unanimously agreed principles that States were juridically equal, that each State enjoyed the rights inherent in full sovereignty, and that each State had the duty to respect the personality of other States. It was also said that, in order to make international law universal in character, it was essential to guarantee the right of each State to play its proper part in the international community. The importance of that question was emphasized by various current problems, such as disarmament, a problem which could be solved only with the participation of all States. Any discrimination against a State was contrary to the principle of the sovereign equality of States.

382. Some other representatives found it very difficult to accept such an amendment. They stated that under Article 4 of the Charter the admission of any State to membership in the United Nations was a matter for decision by the Security Council and by the General Assembly. That amendment was inconsistent with the Charter, with the constitutions of the specialized agencies and of regional organizations and with the general principle that any State was free to enter or not to enter into international agreements with other States and to decide with what other parties it wished to enter into international contracts. A general statement that each State had the right to become party to multilateral treaties would contravene the right of the parties to such treaties to decide the scope of participation. One representative made it clear, however, that Article 4 of the Charter remained applicable and that universality of multilateral agreements would help to strengthen international law. Another representative said that the amendment ought to be discussed in the

context of the duty of States to co-operate with one another in accordance with the Charter, as this right did not flow from territorial sovereignty and as it affected also the interests of other States so that their consent would be required for its application. Another representative explained that the substance of the proposal was not unacceptable to his delegation, which shared the desire that all States throughout the world should one day be Members of the United Nations, and which also believed that multilateral treaties of general interest should in principle be open to all.

6. *The relationship between State sovereignty and international law*

383. Modifications bearing upon the relationship between State sovereignty and international law were to be found in the amendment submitted by the United Kingdom (see para. 361 above) and in paragraph 3 of the amendment by Ghana (see para. 364).

384. The discussion concentrated largely on the United Kingdom amendment, which was to the effect that every State had to conduct its relations with other States in conformity with international law and that the sovereignty of each State was subject to the supremacy of international law. It was explained, in support of this amendment, that if international order was to have any real substance, it must be accepted that there was in existence a body of law which regulated relations between States. It was also said that progress in international law, the development of friendly relations among States and the maintenance of international peace required a partial surrender by States of their sovereignty. By a sovereign act, States renounced a part of their sovereignty in order to submit to a higher order, namely international law; they thus affirmed their sovereignty by voluntarily contributing to the equilibrium of the international community.

385. It was said by a number of representatives that there were many divergent theories on the relationship between the concept of State sovereignty and the doctrine on the supremacy of international law. One representative thought that the idea of sovereign equality was meaningful only if it was understood to fall within the framework of international law and to derive much of its meaning from international law. State sovereignty could not be respected without international law; if international law did not prohibit the use of force, juridical equality might have little meaning. Thus the concept of sovereign equality and the idea that States were subject to international law were complementary; sovereign equality presupposed an international order in which States were subject to and conformed to international law. Acceptance by States of treaty obligations limiting their freedom of action was in no sense a limitation on their sovereignty. A State entered into treaties as an act of sovereignty, if it did so freely and voluntarily. The fact that international law was uncertain in some areas did not derogate from the general principle that sovereignty was sovereignty under the law.

386. However, the view that States derived their sovereignty from international law was opposed by another representative. He held the view that international law was a product of the customary behaviour of States, and States were sovereign by virtue of their existence as sovereign entities. Sovereignty was a fact, not a legal attribute granted by international law. He did not believe that the obligations or duties deriving

from international treaties or from the Charter entailed, as a rule, any restriction on the sovereignty of the contracting parties. At the most, they restricted the parties' freedom of action, as any rule of municipal law might do. A distinction must be made between restrictions on freedom of action and restrictions on sovereignty. Sovereignty was restricted only when a State lost its exclusive control over a given matter.

387. Still another representative stated that he could not support any suggestion of including a statement to the effect that sovereignty was subject to the supremacy of international law. Such a formula was incompatible with the real relationship between sovereignty and international law, and might be interpreted as reflecting the idea of a supra-national law. He considered that international law, which derived from the sovereignty of States, could not be directed against that sovereignty but should be based on recognition of it and should serve to strengthen and to affirm it. It was also said that the amendment embodied a concept which in practice was not recognized in international law.

388. Two additional reasons were given by one representative for opposing the United Kingdom amendment. He did not think international law was sufficiently coherent, precise or complete for national sovereignty to be subordinate to its rules. States agreed, at the very most, to abide by the obligations which they had freely assumed, but, in the present state of development of international law, States could not be asked to subordinate themselves to it in all respects. In his opinion, a distinction should be drawn between an obligation voluntarily accepted and the general imposition of a law made in other times by a small international community. The second reason why he could not recognize the supremacy of international law was that such supremacy could be considered only in the context of each national constitution. Some constitutions made international law the supreme rule of their internal and external conduct, whereas others expressly recognized that only certain rules of international law stood at the apex of the legal hierarchy. It was therefore desirable, in the present state of international law, to lay greater stress on the need for strict compliance by States with their international obligations under bilateral or multilateral agreements, rather than to impose a supremacy of international law over State sovereignty.

7. *The right of States to remove any foreign military base from territories*

389. Paragraph 2 in the amendment submitted by the United Arab Republic (see para. 362 above) was to the effect indicated in the present sub-heading.

390. In support of the amendment, it was said that the presence of foreign military troops or military bases against the expressed will of the States concerned violated the sovereign rights of these States. Some representatives suggested that such a proposal was justified by the situation existing at present in the world, the areas of conflict often coinciding with areas where bases existed. The presence of such troops and bases was found particularly regrettable by these representatives when it had been laid down as a condition for the granting of independence or an obligation imposed in perpetuity on weaker countries. Reference was made to the Cairo Declaration of non-aligned countries which had affirmed that the existence of foreign bases was a threat to peace and violated the sovereign equality of States.

391. In the view of one representative, once two States had concluded a treaty on that subject, military bases established with official permission could be removed only in virtue of a provision of that treaty. Nevertheless, a distinction should be made between treaties which international law could accept and those which it must reject. Thus, certain treaties which had been concluded between former colonial peoples and their former masters could hardly be described as agreements freely entered into. Those treaties had been imposed by one group on another and should not be put into effect. To obtain their freedom, certain countries had had to pay a very high price, including consent to the establishment of foreign military bases on their soil. International law should not encourage such situations which, in the long run, were likely to lead to a breach of the peace. It was therefore necessary to ensure that in future no treaty could contain provisions binding on countries which were not yet in a position to take decisions in complete freedom.

392. Another representative observed that the physical removal of foreign troops or bases whose presence was grounded in the consent of the host State might be, according to cases and circumstances, a way of relieving a State of burden, a discourtesy, or a breach of an international obligation. Everything depended, therefore, on what qualifications the sponsor of the amendment was ready to accept.

8. *Prohibition of actions having harmful effects on other States*

393. Modifications formulating a prohibition of experiments or resort to any actions capable of having harmful effects on the other States were in paragraph 4 of the amendment submitted by the United Arab Republic and in sub-paragraph 2 (h) of the amendment submitted by Ghana (see paras. 326 and 364 above).

394. Representatives who advocated the formulation of such a prohibition in the enunciation of the principle of sovereign equality of States pointed out that the practices referred to in the prohibition came under the doctrine of the misuse of a right and were seriously harmful to sovereign equality and to the rights and duties flowing from it. They said that the safety of States and their inhabitants must be secured and that international law should not remain indifferent to such harmful acts. It was said, further, that the question whether a State had the right to conduct any experiment or resort to any action capable of having harmful effects on other States or endangering their security was of great importance for the developing countries. It was surely to the advantage of the entire international community that the developing countries should be able to carry out their task of nation-building free from the health hazards represented by certain experiments which were being conducted in parts of the under-developed continents. Reference was made, in particular, to the dangers currently presented by nuclear weapons, dealt with in the Moscow Treaty of 1963 banning nuclear weapon tests in the atmosphere, in outer space and under water, and in the resolutions of the General Assembly concerning the obligation to refrain from launching weapons into space. One representative understood the words "harmful effects" as physical effects only, and he considered that any reference to "territorial limits" should be omitted in order to take into account the possibility that harm might be done, for example, in international waters.

395. Some representatives, while advocating the formulation of such prohibition did not press for its inclusion in the principle of sovereign equality.

396. Certain representatives expressed reservations concerning the adoption of any prohibition of the nature here discussed in the text to be prepared by the Special Committee. One representative pointed out, with regard to the question whether a State had the right to conduct any experiment or resort to any action which was capable of having harmful effects on other States or endangering their security, that such experiments were already regulated by international law. Another representative felt that that question fell within the field of responsibility of States. However, while he agreed that the question was of the greatest importance in the modern world, he did not think it appropriate to introduce into a definition of sovereign equality a concept which was necessarily vague. This view was shared by another representative who believed that the proposal was covered by the principle of the international responsibility of States and also wondered whether a declaration concerning sovereign equality was the right place for such a proposal. On the other hand, one representative replied that that principle was so fundamental that it was not enough to argue that it was covered by the principle of international responsibility of States. That representative suggested that the principle should be spelt out in writing and not simply left to be inferred.

9. Prohibition of arbitrary discrimination among States Members of the United Nations

397. A proposal concerning a prohibition of the above nature was submitted by the United States (see para. 360 above).

398. In explanation of its purposes it was said that the principle of sovereign equality derived initially from Article 2, paragraph 1, of the United Nations Charter and that it was, in one of its fundamental aspects, an organizational principle of the United Nations.

399. One representative, in commenting on the expression "arbitrary discrimination", said that the purposes and principles of the Charter and those embodied in declarations of the General Assembly excluded every kind of discrimination and not merely one particular form. The idea of giving the rights and obligations of States Members of the United Nations a more concrete form was a concern outside the competence of the Special Committee, whose task was to study the principles concerning relations among States, whether or not they were Members of the United Nations. He also had the impression that some of the provisions proposed by the United States ran counter to United Nations resolutions, particularly those concerning the Republic of South Africa, and were not in conformity with the Charter. Furthermore, in view of the political nature of the proposal, he considered that the General Assembly alone was competent to discuss such a proposal.

400. On the other hand, it was said by one representative that the proposal was to prohibit discrimination of any kind among Member States and to refer specifically to discrimination "as regards the rights and duties of membership"; arbitrary discrimination among Member States would be discrimination for which there was no legal basis under the Charter. The word "arbitrary" was necessary since it might otherwise be understood to mean all "differentiation" or "distinction". Distinctions drawn among Members in application of the provisions of the Charter, for example under Ar-

ticle 27 and Chapter VII, were not arbitrary, for the Charter gave them an adequate basis in international law. As to the question whether the Special Committee was competent to discuss that aspect of the principle of sovereign equality, he replied that its terms of reference, as set forth in General Assembly resolution 2103 (XX) of 20 December 1965, and even the title of the resolution, made explicit reference to the Charter. Moreover, Article 2, paragraph 1, of the Charter was clearly concerned with organizational matters. There might be disagreement on the breadth of the interpretation to be placed on the phrase "in accordance with the Charter of the United Nations", but it could not be argued that the provisions of the Charter were outside the Committee's terms of reference.

10. Territories under colonial domination

401. Some representatives stated that territories which, in contravention of the principle of self-determination, were still under colonial domination, could not be considered integral parts of the national territory of a colonial Power. They preferred, however, to consider that question in connexion with the principle of equal rights and self-determination of peoples.

11. The duty to assist less developed countries

402. Reference was also made during the debate to the question whether the economically advanced countries had an obligation to assist the less developed countries and to do what they could to narrow the gap between them. Representatives speaking on this subject indicated, however, that it would be preferable for that matter to be discussed in connexion with the principle of the duty of States to co-operate with one another. This topic, and the one referred to in paragraph 401, were also discussed in relation to the principles of the non-use of force and of self-determination (see chapters II and VII of the present report).

C. DECISION OF THE SPECIAL COMMITTEE

1. Recommendations of the Drafting Committee

403. The Drafting Committee submitted the following recommendations to the Special Committee concerning the principle of the sovereign equality of States (A/AC.125/4):

I. TEXT

"1. All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

"2. In particular, sovereign equality includes the following elements:

"(a) States are juridically equal.

"(b) Each State enjoys the rights inherent in full sovereignty.

"(c) Each State has the duty to respect the personality of other States.

"(d) The territorial integrity and political independence of the State are inviolable.

"(e) Each State has the right freely to choose and develop its political, social, economic and cultural systems.

"(f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

II. PROPOSALS AND AMENDMENTS SUBMITTED TO THE SPECIAL COMMITTEE ON WHICH THE DRAFTING COMMITTEE REACHED NO CONSENSUS

A. *Sovereignty over national wealth and natural resources*
 (a) As a new formulation of paragraph 2 (a) of the 1964 text.

Czechoslovakia (A/AC.125/L.8):

"Each State has the right freely to choose and develop its political, social, economic and cultural systems and to dispose freely of its national wealth and natural resources".

Sub-amendment by Cameroon (A/AC.125/L.10) to the Czechoslovak amendment:

"Each State has the right to freely choose and develop its political, social, economic and cultural systems, and to enter into treaty or convention with any State or States of its choice for the disposal of its national wealth and natural resources within the territorial limits of the contracting States".

(b) As a new numbered sub-paragraph to paragraph 2 of the 1964 text.

Kenya (A/AC.125/L.7):

"Each State has the right to freely dispose of its national wealth and natural resources. In the exercise of this right, due regard shall be paid to the applicable rules of international law and to the terms of agreements validly entered into".

United Arab Republic (A/AC.125/L.9):

"(f) Each State has the right to dispose freely of its natural wealth and resources".

Ghana (A/AC.125/L.11):

"(j) Each State has the right to dispose of its national wealth and resources".

B. *Foreign military bases*

As a new numbered sub-paragraph to paragraph 2 of the 1964 text.

United Arab Republic (A/AC.125/L.9):

"(g) Each State has the right to remove any foreign military base from its territory".

C. *Experiments having harmful effects*

(a) As a new numbered sub-paragraph to paragraph 2 of the 1964 text.

Ghana (A/AC.125/L.11):

"(h) No State shall conduct any experiment or resort to any action which is capable of having harmful effects on other States or endanger their security".

(b) As a new numbered paragraph to the 1964 text.

United Arab Republic (A/AC.125/L.9):

"3. No State has the right to conduct any experiment or resort to any action which is capable of having harmful effects on other States".

D. *Participation in international organizations, multilateral treaties and solution of international questions*

(a) As a new numbered sub-paragraph to paragraph 2 of the 1964 text.

Czechoslovakia (A/AC.125/L.8):

"(f) Each State has the right to take part in the solution of international questions affecting its legitimate interests, including the right to join international organizations and to become party to multilateral treaties dealing with or governing matters involving such interests".

Ghana (A/AC.125/L.11):

"(c) Each State has the right to take part in the solution of international questions affecting its legitimate interests.

"(d) Each State may become party to multilateral treaties dealing with or governing matters involving its legitimate interests.

"(e) Every State has the right to join international organizations".

E. *Prohibition of discrimination among States Members of the United Nations*

As a new numbered paragraph to the 1964 text.

United States (A/AC.125/L.5):

"3. As a principle upon which the United Nations is based, sovereign equality prohibits arbitrary discrimination among States Members as regards the rights and duties of membership. In particular,

"A. No Member shall be deprived of equal enjoyment of the rights of membership except in accordance with the provisions of the Charter, and

"B. All Members are equally obligated to share in bearing the burdens of membership to the extent of their respective capacities and in accordance with the provisions of the Charter".

F. *Conformity of international relations with international law*

(a) As a new numbered paragraph to the 1964 text.

United Kingdom (A/AC.125/L.6):

"3. Every State has the duty to conduct its relations with other States in conformity with international law and with the principle that the sovereignty of each State is subject to the supremacy of international law".

Ghana (A/AC.125/L.11):

"3. Every State has the duty to conduct its relations with other States in conformity with international law".

404. The Chairman of the Drafting Committee introduced the above recommendations to the Special Committee at its 43rd meeting on 12 April 1966. He said that the principle of sovereign equality had been subjected to a thorough examination. In order to improve the prospects of reaching agreement, the Drafting Committee had divided into several groups, and non-members had been invited to participate in the discussions. Thus, the problem had been examined both formally and informally. In spite of the lack of time, the Drafting Committee, in keeping with its terms of reference, had done its utmost to reach negotiated agreements. With regard to the recommendations themselves, the report was divided into two parts: the recommended text, and proposals and amendments which had been submitted and on which no agreement had been possible. The document might give the impression that the work done by the 1964 Special Committee had not been carried forward any further, but that was completely erroneous, since among the topics discussed there was scarcely one which would not command a large majority. Moreover, one of the obstacles to a full consensus had been the fact that some delegations had not had time to communicate with their Governments on certain questions relating to the negotiations. It must also be borne in mind that the Drafting Committee consisted of members of the Special Committee, and it had therefore been able to meet only at the times scheduled for it by the latter.

405. The Chairman of the Drafting Committee stated that the recommended text respected the spirit of the text adopted by the 1964 Special Committee. However, paragraph 1 had been modified to give the principle of sovereign equality its full scope. The Drafting Committee had felt that it was essential to include a provision to the effect that no considerations of an economic, social, political or other nature should affect the rights and duties inherent in membership of the international community.

406. He further pointed out that the proposals and amendments on which no agreement had been possible were set out in section II of the Drafting Committee's recommendations (see para. 403 above). With regard to sovereignty over national wealth and natural resources, two main proposals had been referred to the Drafting Committee: paragraph 2 in the amendment by Czechoslovakia (see para. 358 above) and the amendment by Kenya (see para. 363 above). They had been given full consideration, along with the sub-amendment by Cameroon (see para. 359 above); paragraph 1 in the amendment of the United Arab Republic (see para. 362 above); and sub-paragraph 2 (j) in the amendment by Ghana (see para. 364). Other proposals had been made during private consultations. The members of the Drafting Committee had all agreed that the question

of the sovereignty of a State over its national wealth and natural resources should be included. It had not been possible to reach a consensus, however, for reasons both of form and of substance. In particular, the Drafting Committee had not been able to resolve the question whether or not qualifications should be attached to the right of a State freely to dispose of its national wealth and natural resources. That problem had arisen from the second part of the amendment (see para. 363 above) of Kenya. In short, although agreement had been near, a consensus on that point had not been possible. On the question of foreign military bases, the Chairman of the Drafting Committee said that the progress made could, at best, be described as negligible. Regarding experiments having harmful effects, there had seemed to be agreement concerning the substance of the matter. Some delegations, however, had felt that its scope was too wide. Difficult questions of definition had been raised, in particular, by the words "harmful effects on other States" appearing in the documents reproduced in paragraphs 362 and 364 above. The Chairman of the Drafting Committee believed that, with time, it should be possible to arrive at a consensus on that topic. Further consultations would be desirable, both in the Special Committee and in other bodies. On the topic of participation in international organizations, multilateral treaties and the solution of international questions, the Drafting Committee had tried to be as brief as possible, but it had been unable to ignore the debates in the Special Committee. Although all the documents had been carefully studied, the questions raised by the subject would require more time before they could be resolved. They had not been suitable for hurried consideration in the short time available to the Drafting Committee. With regard to the question of the prohibition of discrimination among States Members of the Organization, the Drafting Committee had had to agree that no consensus was foreseeable in the near future. Finally, according to the Chairman of the Drafting Committee, the topic of conformity of international relations with international law had also been thoroughly examined, simultaneously with the question of experiments having harmful effects. The Committee had been able to agree only as to its value.

2. Explanations of vote

407. The Special Committee considered the recommendations of the Drafting Committee on the principle of sovereign equality of States at its fiftieth meeting on 22 April 1966. Statements explaining the basis on which they could accept the text on points of consensus recommended by the Drafting Committee were made, in the order indicated, by the representatives of Syria, Chile, United Kingdom, United Arab Republic and Algeria.

408. The representative of Syria said that acceptance by his country in the Special Committee of any provision relating to the principles of peaceful coexistence, or of any provisions which might subsequently amplify those principles, would in no way imply that it accepted any of the commitments enunciated in them with respect to the aggressive forces which had established themselves as an alleged State to the detriment of the lawful rights of the Arab people of Palestine and in violation of the principles of international law themselves and of the purposes and principles of the United Nations Charter.

409. The representative of Chile regretted that it had not been possible to include in the consensus text

on the principle of sovereign equality of States two elements on which there had been fairly wide agreement, namely a reference to the sovereignty of States over their national wealth and natural resources (see para. 403, II, A above) and a reference to the renunciation of experiments having harmful effects on other States (see para. 403, II, B above). He hoped that those two points could be added to the formulation at a later stage, perhaps at a further session of the Committee.

410. The representative of the United Kingdom said that his delegation had no objections to the text on which consensus had been reached (see para. 403 above), but, like the representative of Chile, he regretted that owing to a lack of unanimity in the Drafting Committee it had not been possible to include in that text certain proposals which had gained wide support. That applied first to the question of sovereignty over national wealth and natural resources where a compromise formula incorporating a qualification to the effect that due regard should be paid to the rules of international law had seemed likely, at one stage, to command general acceptance. It applied also to the proposal concerning experiments having harmful effects. In the course of negotiations within the working groups and the Drafting Committee, a text had been prepared which sought to combine that proposal with other proposals submitted by the United Kingdom and Ghana concerning the duty of States to conduct their relations with other States in accordance with international law; unfortunately, this composite text had failed, at the last moment, to gain unanimous support. His delegation continued to attach great importance to its proposal (see para. 361 above) and it shared the hope of the representative of Chile that the work on that point as on the others might be continued before long.

411. The representative of the United Arab Republic said that his delegation agreed with the points of consensus contained in part I of the Drafting Committee's recommendations on the principle of sovereign equality (see para. 403 above). However, he recalled that his delegation had already stated at the 1964 session of the Special Committee that the formulation of the principle would be incomplete unless it included other essential elements in addition to those points. Those elements had formed the subject, at the present session, of a proposal by his delegation (see para. 362 above) concerning the right to dispose freely of natural resources, the right to remove foreign bases, and the illegality of experiments capable of having harmful effects. He had noted during the work of the Committee that the last two elements, in particular, had received wide support and he was certain that lack of time had been one of the factors which had prevented their inclusion in the formulation. In any case, he was sure that it would be possible for the three elements proposed by the United Arab Republic to be inserted in the formulation at some future stage in the work.

412. The representative of Algeria confirmed that his delegation, as it had already indicated, approved any text that included the points on which consensus had been reached at the 1964 session. He would therefore support the text contained in part I of the recommendations of the Drafting Committee (see para. 403 above), but that did not mean that his delegation considered that that formulation was a complete definition of the principle. It lacked one element which his delegation considered more essential than ever, namely, an affirmation

of the right of each State to dispose freely of its natural wealth.

3. Decision

413. At its fiftieth meeting on 22 April 1966, the Special Committee adopted unanimously the text setting out points of consensus which had been recommended by the Drafting Committee.

VI. The duty of States to co-operate with one another in accordance with the Charter

A. WRITTEN PROPOSALS AND AMENDMENTS

414. Three proposals on the principle considered in the present chapter were submitted by Czechoslovakia; jointly by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland, and the United States of America; and jointly by Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, Syria, the United Arab Republic and Yugoslavia. Chile submitted amendments (A/AC.125/L.30) to this latter proposal. The texts of these proposals and amendments are set out below.

415. Proposal by Czechoslovakia (A/AC.125/L.16, part V):

"1. States have duty to co-operate with one another, irrespective of their different political, economic and social systems, in the various spheres of international relations in order to maintain international peace and security.

"2. Consequently, States shall, in particular:

"(a) Co-operate with other States in the maintenance of international peace and security, in the economic, social and cultural fields as well as in the field of science and technology, and promote economic and social progress of the developing countries;

"(b) Apply fully and consistently, in economic co-operation and international trade, the principles of equality and mutual advantages, respect for each other's interests, and non-interference with the internal affairs of other States;

"(c) Refrain from any discrimination in their relations with other States, in particular discrimination by reason of differences in political, economic and social systems or in levels of economic development."

416. Joint proposal by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.28):

"1. Each Member of the United Nations has the duty to co-operate with other Members in accordance with the Charter of the United Nations in order to create the conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, including the maintenance of peace and security.

"2. Accordingly, all Members pledge themselves to take joint and separate action in co-operation with the United Nations for the achievement of:

"(a) higher standards of living, full employment, and conditions of economic and social progress and development;

"(b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and

"(c) universal respect for, and observance of, human rights, fundamental freedoms for all without distinction as to race, sex, language or religion.

"3. In order to make this co-operation fully effective, each Member should, *inter alia*:

"(a) participate in and contribute to the work of effective international institutions and procedures, including the United Nations and its specialized agencies, designed for the achievement of solutions to economic, social, health and related problems, or for the promotion of international cultural and educational co-operation;

"(b) formulate its economic policy and its policy in

respect of any economic assistance which it gives or receives, so as to contribute to the acceleration of economic growth and the equitable elevation of standards of living throughout the world and the economic and social progress and development of other States, and so as to ensure the prudent and efficient use of economic means available to it;

"(c) participate in and contribute to the work of the United Nations towards disarmament; and

"(d) contribute to the maintenance of international peace and security in accordance with the Charter.

"4. The duty of a State to co-operate with other States in accordance with the Charter in no way implies or involves any derogation from the principle of sovereign equality of States, or from the duty to refrain from intervention in the domestic affairs of other States."

417. Joint proposal by Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, the United Arab Republic, and Yugoslavia (A/AC.125/L.29):

"1. Each State has the duty to co-operate with other States in all spheres of international life in order to maintain world peace, and to secure the economic and social advancement of all peoples.

"2. Differences in the political, economic or social systems of States as well as in their levels of economic and social development shall not impede international co-operation.

"3. International economic, social and technical co-operation and trade among States shall be free from any conditions which might affect the sovereign equality of States.

"4. States shall co-operate in the promotion of economic growth throughout the world, especially that of the developing countries."

418. Amendments by Chile (A/AC.125/L.30) to the joint proposal of Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia (A/AC.125/L.29):

"1. In paragraph 1, after the words 'with other States', insert the words 'and with the United Nations'.

"2. In paragraph 3,

"(a) Replace the words 'International economic, social and technical co-operation and trade' by the words 'international co-operation in all spheres of international life, especially in the economic, social and technical spheres and in trade';

"(b) After the word 'conditions', insert the words 'or limitations'.

"3. In paragraph 4,

"(a) After the word 'co-operate', insert the words 'among themselves and with the United Nations';

"(b) After the words 'economic growth', insert the words 'and in raising levels of living'."

B. DEBATE

1. General remarks

419. The Special Committee discussed the principle considered in this chapter at its thirty-fourth to thirty-eighth meetings, between 1 and 5 April 1966, and at its fifty-second meeting on 25 April 1966.

420. Several representatives said that the duty of States to co-operate with one another was one of the most significant norms of contemporary international law, and also one of the fundamental rules of peaceful coexistence. They described co-operation as a form of active coexistence and as one practical way of giving effect to coexistence. It meant, in their view, that States should not merely tolerate the existence of other States, but should be prepared to help them as best they could.

421. At the same time, the concept of international co-operation was considered as one of the underlying ideas of the United Nations. Its embodiment in the Charter had resulted from the world community's realization that the maintenance of peace could not rest solely on the preventive functions of the United Nations but should also be ensured by encouraging States to

co-operate with one another. Co-operation among States was thus considered by several representatives to be an essential condition for the maintenance and strengthening of international peace and security and as one of the most important elements that promoted peace.

422. The development of the principle, according to certain representatives, was due to modern conditions. In the contemporary world no State could live in complete isolation, and even most concentrated national efforts by States acting individually would not solve the enormous economic and social problems of the international community. Active co-operation was needed to create the conditions of stability and well-being to which Article 55 of the Charter referred and to provide a basis for harmonious and friendly relations among States.

2. Relation between the duty to co-operate and other principles

423. All the proposals and amendments before the Special Committee contained provisions which referred in varying degrees to the relationship between, or the effect of the duty to co-operate on one or other of the principles before the Committee, in particular the principles of sovereign equality and of non-intervention. The provisions were in: sub-paragraph 2 (b) of the amendment submitted by Czechoslovakia; paragraph 4 of the amendment submitted jointly by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America; paragraph 3 of the amendment submitted jointly by Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia; and sub-paragraph 2 (b) of the amendment submitted by Chile (see paras. 415-418 above).

424. In the view of some representatives, international co-operation meant the uniting of efforts to achieve the purposes set out in the Charter, without violating the principles on which the Charter was based or the generally recognized principles of contemporary international law. Conversely, if any State disregarded its obligations under the United Nations Charter, international agreements, and the generally accepted principles of international law, it undermined the very foundations of international co-operation.

425. It was stated, in particular, that international co-operation at the present time was incompatible with all forms of subordination and pressure exercised by the strong against the weak, and that the principle of the sovereign equality of States must have a place in the formulation of the reciprocal rights and obligations of States in the process of bilateral, multilateral, regional and world-wide co-operation, irrespective of the size of the territory or population of States, the extent of their natural resources or their military or economic strength or influence in the world. Mutual advantages, non-intervention in the domestic affairs of States, non-discrimination on grounds of differences in the political, economic or social systems of States and universality were prominently mentioned among other principles to be observed in the process of co-operation among States.

426. In regard to the proposed formulation that co-operation should not be subject to any conditions which might affect the sovereign equality of States, one representative emphasized that, in law, any condition which had been legally accepted was valid. That was so, for instance, in the case of a condition restricting the use

of aid to the specific purpose for which it had been granted; such a condition, in his view, did not prejudice the sovereign equality of States.

427. Certain representatives considered that another aspect of economic co-operation was that States were obliged to refrain from any discrimination in their relations with other States, in particular discrimination by reason of differences in political, economic and social systems or in levels of economic development (see also paras. 430 to 434 below). Discriminatory measures against any State were contrary to the spirit and letter of the Charter and were bound to be a serious obstacle to international trade.

428. Other representatives believed that the above view did not take account of the factual situation, which involved tariffs, economic controls and many other mechanisms necessary to international trade and development. Also, many existing arrangements were based on distinctions between one State and another. For example, there were trade arrangements between developing countries, between developed countries and between mixed groups, all of which distinguished between types of States. Relations between States at differing levels of development were dealt with at length in the Final Act of UNCTAD, and the General Agreement on Tariffs and Trade reached at Geneva on 3 October 1947⁴³ included a special chapter on the subject of developing countries. One representative thought, therefore, that it might be difficult if not impossible to deal adequately with that complicated situation within a single sentence or within the time available to the Committee.

429. The alleged obligation to refrain from any discrimination by reason of differences in levels of economic development seemed to another representative to contradict a growing tendency in the world to allow the granting of preferences to developing countries. One representative, however, replied that the granting of preferences to developing countries could not be regarded as discrimination.

3. The question of universality of co-operation

430. Paragraphs 1 and 2 (c) in the proposals of Czechoslovakia and paragraph 2 in the proposal of Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia (see paras. 415 and 417) contained provisions to the effect that differences of political, economic and social systems did not derogate from the duty to co-operate, and the first of these proposals also provided that such differences could not be a basis for discrimination by States in their relations with other States.

431. A number of representatives held the view that co-operation should be universal and that all States should participate in it. They believed that in view of the immensity of the political, economic, social and cultural problems facing mankind, those problems could be solved only through concerted action by all States, and that it was in the interests of the international community to make the duty as universal as possible. It followed, in their view, that all States were entitled to equal participation in international co-operation, and that they should use all available means for the purpose, including United Nations bodies and other agencies. Bilateral relations were also very useful for the same purpose. One representative added that while Member

⁴³ United Nations, *Treaty Series*, vol. 55.

States could not impose duties on non-members, they could at least seek to set norms of conduct which would extend beyond the scope of co-operation within the United Nations system alone. Moreover, Member States did in fact co-operate with non-member States, and it might be useful if such relations could be provided for in the formulation of the principle. Another representative pointed out that no limits were placed by Article 55 of the Charter on participation in achieving the goals to be promoted under that Article, and noted, in particular, the word "universal" in Article 55 (c), which he understood as extending the obligation to co-operate to all countries, whether they were Members of the United Nations or not.

432. Several representatives favoured a clear indication that differences in levels of economic and social development and in political, economic and social systems must not constitute an obstacle to bilateral and multilateral co-operation, and that every State, regardless of its social structure, had an unqualified right to take part in the settlement of international questions affecting its legitimate interests, in relevant multilateral agreements, and in international organizations, without discrimination (see, also, paras. 427-429 above).

433. On the other hand, a number of other representatives felt that the duty to co-operate in accordance with the Charter was an obligation limited to Members of the United Nations, and should be formulated as such. That did not, in their view, limit the scope of the co-operation in which Members could engage. There were many States which were members of the specialized agencies and not Members of the United Nations, and they participated vigorously in international co-operation. They did not, however, fall within the purview of the duty which the Committee was discussing. International co-operation as a legal duty, in the view of some representatives, was not founded on customary international law but was a result of mutually accepted treaty obligations, such as those contained in the Charter itself. With regard to the criticism that no specific mention was made in their proposals of the obligation of co-operation between States, irrespective of their political or social systems, it was said that no such reference was made in the Charter and, in any event, it was unnecessary because the point was self-evident.

434. One representative was not opposed to universality of co-operation, but considered that present realities must be taken into account, especially the fact that the ideological division of the world prevents complete universality and makes it a controversial matter. He therefore suggested that the task of studying the question of universality should be left to the General Assembly.

4. *The legal nature of the duty to co-operate*

435. Several representatives expressed the view that international co-operation was not an optional activity, nor was it merely a moral obligation. With the adoption of the Charter and other important international instruments, it had become a legal obligation and a part of international law. Co-operation developed from a voluntary act into a legal duty which was necessary in the process of adjustment to the existing patterns and requirements of international relations, resulting from the common interest of the international community as a whole. The duty derived its legal force from the provisions of the Charter, particularly Article

56. The language of that Article left no doubt regarding two sets of obligations in relation to the principle: the obligation of States to co-operate among themselves for the achievement of the purposes of international co-operation; and the obligation of States to co-operate with the Organization itself for the attainment of those same purposes. Moreover, the Charter was a multilateral treaty conferring rights on States parties and imposing duties on them, particularly the duty to co-operate. The form that co-operation should take depended on the needs of particular countries and on the resources of each country, the provisions of its own laws and its commitments made through international agreements.

436. One representative said that since every nation profited from co-operation, it would not seem necessary to treat it as an obligation; at least it was an obligation which had been voluntarily undertaken under the Charter with a view to the realization of a common ideal and the creation of a better world. Every State which had subscribed to the Charter must regard co-operation as a duty, but the impulse must come from the country itself and not from outside.

437. Several other representatives questioned the binding character of the duty to co-operate and said that it would be undesirable and dangerous to attempt to express that duty as a principle of law. Co-operation was in their view both the cause and the effect of friendly relations, of which it also constituted an element, but in the political and social spheres rather than in the spheres of legal obligations and international law. The principle considered by the Committee was only declaratory in nature and identified a moral duty with a realistic pattern of international behaviour. Reference in this connexion was made to various provisions of the Charter. It was said that whereas the purposes described in Article 1, paragraphs 1 and 2, were reflected in corresponding legal principles in Article 2, the general objective of international co-operation did not reappear as a legal principle in Article 2. The Charter provisions regarding international co-operation constituted a general declaration of the Organization's competence. Article 55 of the Charter established an obligation binding on the Organization rather than on Member States, and Article 56 concerned the duties of States in relation to that obligation of the international Organization.

5. *Expression of the duty to co-operate in international instruments*

438. Some representatives discussed in detail the development of the duty to co-operate and its embodiment in the United Nations Charter and in other international instruments. It was recalled in this respect that the establishment of the League of Nations after the First World War had been a recognition of the need for co-operation among States in order to settle political questions. The United Nations then assumed special responsibilities in regard to co-operation both in the political field and in the economic, social and cultural spheres. Specific reference was made by several representatives to Articles 1, 55 and 56 of the Charter, as well as to the Preamble and Articles 11, 13, 57 to 59, 62 and 76. Among the post-Charter instruments the following were mentioned: the Pact of the League of Arab States, the Charter of the Organization of American States, the Charter of the Organization of African Unity, declarations of the Bandung, Belgrade and Cairo Conferences, the Final Act of the United Nations Con-

ference on Trade and Development and the joint declaration of the seventy-seven developing countries, issued at the conclusion of the Conference. A number of General Assembly resolutions were also recalled, including resolution 1236 (XII) of 14 December 1947, on peaceful and neighbourly relations among States, resolution 1301 (XIII) of 10 December 1958, which had recommended that all Member States should take practical measures "to foster open free and friendly co-operation and understanding in the fields of economy, culture, science, technology and communications", and resolution 1505 (XV) of 15 December 1960, in which it had been pointed out that "many new trends in the field of international relations have an impact on the development of international law".

439. It was said that the above-mentioned instruments reflected the development of the principle of co-operation, with increasing stress placed on co-operation in the field of trade and development and economic co-operation in general. One representative thought that the challenge which the Committee must meet was that of formulating in legal terms, and in the light of developments since the adoption of the Charter and of the promises of the future, norms which would record existing patterns and forms of co-operation in such a way that they would retain their relevance and validity for the future. Another representative recognized that States had a duty to co-operate more effectively with other States, but had doubts regarding the possibility of expanding on the principle as expressed in the Charter. However, if the balance preserved in the Charter was maintained, he would not be opposed to an attempt to formulate more clearly the general objectives set out in the Charter.

6. *Co-operation in economic and trade matters and assistance to developing countries*

440. All the proposals before the Special Committee referred to co-operation in economic and trade matters and assistance to developing countries: Czechoslovakia, in sub-paragraphs 2 (a) and (b) (see para. 415 above); Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland, and the United States of America in sub-paragraphs 2 (a) and (b), and 3 (a) and (b) (see para. 416 above); Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia, in paragraphs 1, 3 and 4 (see para. 417 above); Chile, in paragraphs 1, 2 and 3 (see para. 418 above).

441. Several representatives stressed that peaceful relations must rest on sound economic foundations and that there must be greater concentration on the economic aspect of co-operation. The concept of co-operation required that States should co-operate in the promotion of economic growth.

442. Certain representatives considered, as an important aspect of co-operation, the provision of aid by the developed countries to the developing countries: such aid was considered by them as essential to bridge the gap separating the two groups of countries, to lay the legal foundation for political co-operation and to ensure the maintenance of international peace and security. One representative said that millions of people were living in conditions of poverty, disease and ignorance, particularly in countries which had recently won their independence after years of foreign domination, and had begun the task of construction in an endeavour to acquire in a few years what they had been without

for centuries. For that purpose they needed to be able to obtain foreign capital on reasonable terms, free from political conditions, and to sell their products for fair prices. That task could only be carried out through the collective efforts of the international community. He therefore thought that the Special Committee should emphasize the element of collective responsibility in its formulation of the principle of co-operation. Another representative thought that since the new States had helped to build the economies of certain countries in the past, it was natural that those countries should return to them a little of that which they had taken.

443. One representative, however, did not favour the limitation of efforts to promote economic and social progress to the developing countries, and thought that co-operation in this field should encompass both the developing and developed States. Another representative indicated his preference for a formulation designed to take account of the problem of global economic development, which would describe in general terms the sort of action which was incumbent upon all States, and which would fulfil the objectives stated in Article 55 of the Charter.

7. *Co-operation in the social, cultural, educational, scientific, technological and related fields*

444. Particular reference to the duty of States to co-operate in the fields described above was made during the debate, and some or all of these fields were referred to in all the proposals and amendments before the Committee: Czechoslovakia, in sub-paragraph 2 (a) (see para. 415 above); Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, in sub-paragraph 2 (a) and 3 (a) (see para. 416 above); Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia, in paragraphs 1 and 3; and Chile, in sub-paragraph 2 (a) (see para. 418 above). It was said that, in the field of science and technology, it was only by active international co-operation for the attainment of peaceful ends that mankind could overcome such problems as famine, disease and the lack of natural resources, as well as the problem of conquering the universe. Science belonged to man in the universal sense of the word and could no longer be the privilege or monopoly of a few; it should be used in the service of all mankind and to increase man's capacity to survive and progress. Furthermore, it was recognized that man's attempt to attain a higher standard of living was a direct factor in maintaining peaceful relations among States. One representative said that, in the cultural field, the desirability of exchanges had always been recognized: there it was not a question of redistribution of wealth but rather of preserving the distinct features of each culture.

445. It was recalled that the above-mentioned spheres of international co-operation were covered by resolution 1164 (XII) of 26 November 1957, which bore the significant title "Development of international co-operation in the fields of science, culture and education"; and that further development of relations in those fields would assist the promotion of economic and social welfare as well as better mutual understanding among nations and the maintenance of peace. The 1964 United Nations Conference on Trade and Development had been the result of the application of that principle. One representative referred to the work done by the International Labour Organisation and the World Federation

of Trade Unions to promote social development and social reforms. Another representative observed that, with regard to co-operation in the social field, the declarations of a non-binding character and the conventions of a binding character which had been adopted by the International Labour Organisation were among the most valuable fruits of the efforts made along those lines.

446. One representative pointed out that the question was at present being studied in detail by other United Nations bodies, including UNCTAD and industrial development organs; that being so, it might perhaps be premature for the Special Committee to adopt definitive conclusions on that subject.

8. *Co-operation in the political field and in the maintenance of international peace and security*

447. Co-operation in these fields was proposed by a number of representatives without being discussed in great detail. Reference, in particular, to co-operation in order to maintain international peace and security appeared in paragraph 1 of the proposal by Czechoslovakia; in paragraph 1 and sub-paragraphs 3 (c) and (d) of the joint proposal by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America; in paragraph 1 of the joint proposal by Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic and Yugoslavia; and in paragraph 1 of the amendments by Chile (see paras. 415-418 above).

448. One representative said that co-operation in the political field and in the maintenance of peace and security was an area where States could and should contribute to the strengthening of the United Nations. Disarmament, in particular, was a sphere in which progress was possible only through co-operation. According to another representative, co-operation in political matters should be maintained irrespective of differing political systems among States. As examples of active co-operation in the political sphere he cited diplomatic contacts, international conferences, exchanges of visits by Heads of State and the work of the Inter-Parliamentary Union aimed at facilitating exchanges of experience between parliaments.

9. *Respect for and observance of human rights and fundamental freedoms*

449. No substantive discussion on this aspect of the principle, favoured by certain representatives for inclusion in its formulation took place in the Special Committee, although specific mention of it appeared in sub-paragraph 2 (c) of the proposal by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see para. 416 above).

10. *Participation in and contribution to the work of effective international institutions and procedures*

450. Certain views were expressed on participation in and contribution to the work of effective international institutions and procedures, including the United Nations and its specialized agencies, to which reference was made in sub-paragraph 3 (a) of the joint proposal by Australia, Canada, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see para. 416 above). International organizations were described as instruments for international co-operation. Reference was also made to

Article 56 of the Charter which spoke of joint and separate action by Members of the Organization; to Article 57, which referred to the specialized agencies; and to Article 71, which mentioned international and national non-governmental organizations. Among existing institutions and organs the roles of the General Assembly, the Economic and Social Council, the specialized agencies and the Conference on Trade and Development were the subject of particular comment.

451. One representative felt that the definition of the machinery through which States could carry out their obligations under the principles should not be too rigid. To determine the method of co-operation to be used in a particular field, the nature of the field should be taken into account. Another representative believed that the reference to effective international institutions in a substantive formulation of the principle was inappropriate, as this would introduce into the text of the principle a criterion which was incompatible with the method used by the Committee in the case of the other principles.

C. DECISION OF THE SPECIAL COMMITTEE

1. *Statement by the Chairman of the Drafting Committee*

452. At the fiftieth meeting of the Special Committee, on 22 April 1966, the Chairman of the Drafting Committee informed the Special Committee that the work of the Drafting Committee on the last two principles considered, which had been new issues for the Special Committee, namely the principles relating to co-operation among States and to the duty of States to fulfil in good faith the obligations assumed by them in accordance with the Charter, had now reached its concluding stages. The Drafting Committee, through its working groups, had spent much of the limited time available examining all aspects of those principles. The problems which had emerged after a frank exchange of views had been approached objectively and discussion of them had made it possible to narrow some of the differences which had at first appeared insurmountable. It seemed that the gap could be bridged. It had been heartening to observe that on several points all members had been able to accept proposals in isolation. Many texts had been dropped because a provision on a particular point had made acceptance of the full text difficult within the time available. The absence of a consensus text on the two principles considered was no reflection on the favourable prospects which, it was generally agreed, clearly existed for future deliberations on them to follow the useful work already done.

2. *Statement by the Chairman of the Special Committee*

453. At its fifty-second meeting, on 25 April 1966, the Special Committee heard a statement by the Chairman of the Special Committee concerning further efforts to obtain a consensus on the formulation of the principle relating to co-operation among States. That statement is contained verbatim in paragraph 570 below.

3. *Decision*

454. Also at its fifty-second meeting, the Special Committee took note of a report by the Drafting Committee (see para. 567 below) that it had been unable to present an agreed formulation of the principle relating to co-operation (see chapter IX below for the discussion of this report in the Special Committee).

4. *Systematic survey of proposals*

455. A systematic survey of the proposals on this principle which were referred to the Drafting Committee follows hereafter:

A. GENERAL FORMULATION OF THE PRINCIPLE

1. *Czechoslovakia* (A/AC.125/L.16, part V, para. 1)

"States have the duty to co-operate with one another, irrespective of their different political, economic and social systems, in the various spheres of international relations in order to maintain international peace and security".

2. *Australia, Canada, Italy, United Kingdom, United States of America* (A/AC.125/L.28, para. 1)

"Each Member of the United Nations has the duty to co-operate with other Members in accordance with the Charter of the United Nations in order to create the conditions of stability and well-being which are necessary for peaceful and friendly relations among nations, including the maintenance of peace and security".

3. *Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic, Yugoslavia* (A/AC.125/L.29, para. 1)

"Each State has the duty to co-operate with other States in all spheres of international life in order to maintain world peace, and to secure the economic and social advancement of all peoples".

4. Amendment by Chile (A/AC.125/L.30, para. 1) to the nine-Power draft (A/AC.125/L.29, para. 1)

"In paragraph 1, after the words 'with other States', insert the words 'and with the United Nations'."

B. CO-OPERATION IN THE ECONOMIC, SOCIAL, CULTURAL AND RELATED FIELDS AND ASSISTANCE TO DEVELOPING COUNTRIES

1. *Czechoslovakia* (A/AC.125/L.16, part V, para. 2)

"Consequently, States shall, in particular:

"(a) Co-operate with other States... in the economic, social and cultural fields as well as in the field of science and technology, and promote economic and social progress of the developing countries".

2. *Australia, Canada, Italy, United Kingdom, United States* (A/AC.125/L.28, paras. 2, 3 (b))

"Accordingly, all Members pledge themselves to take joint and separate action in co-operation with the United Nations for the achievement of:

"(a) Higher standards of living, full employment, and conditions of economic and social progress and development;

"(b) Solutions of international, economic, social, health and related problems; and international cultural and educational co-operation;

"...

"In order to make this co-operation fully effective, each Member should, *inter alia*:

"...

"(b) Formulate its economic policy and its policy in respect of any economic assistance which it gives or receives, so as to contribute to the acceleration of economic growth and the equitable elevation of standards of living throughout the world and the economic and social progress and development of other States, and so as to ensure the prudent and efficient use of economic means available to it".

3. *Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic, Yugoslavia*, (A/AC.125/L.29, para. 4)

"States shall co-operate in the promotion of economic growth throughout the world, especially that of the developing countries."

4. Amendment by Chile (A/AC.125/L.30, para. 3) to the nine-Power draft (A/AC.125/L.29, para. 4)

"(a) After the word 'co-operate', insert the words 'among themselves and with the United Nations';

"(b) After the words 'economic growth', insert the words 'and in raising levels of living'."

C. CO-OPERATION IN THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY AND IN THE FIELD OF DISARMAMENT

1. *Czechoslovakia* (A/AC.125/L.16, part V, para. 2 (a))

"Consequently, States shall, in particular:

"(a) Co-operate with other States in the maintenance of international peace and security..."

See, also, section A, paragraph 1 above.

2. *Australia, Canada, Italy, United Kingdom, United States* (A/AC.125/L.28, para. 3 (c), (d))

"In order to make this co-operation fully effective, each Member should, *inter alia*:

"...

"(c) participate in and contribute to the work of the United Nations towards disarmament; and

"(d) contribute to the maintenance of international peace and security in accordance with the Charter".

See, also, section A, paragraph 2 above.

3. *Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic, Yugoslavia* (A/AC.125/L.29, para. 1). See section A, paragraph 3 above.

D. RESPECT FOR AND OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

1. *Australia, Cameroon, Italy, United Kingdom, United States* (A/AC.125/L.28, para. 2 (c))

"Accordingly, all Members pledge themselves to take joint and separate action in co-operation with the United Nations for the achievement of:

"...

"(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion".

E. RELATION BETWEEN THE DUTY TO CO-OPERATE AND OTHER PRINCIPLES

1. *Czechoslovakia* (A/AC.125/L.16, part V, para. 2 (b))

"Consequently, States shall, in particular:

"...

"(b) Apply fully and consistently, in economic co-operation and international trade, the principles of equality and mutual advantages, respect for each other's interests, and non-interference with the internal affairs of other States".

2. *Australia, Cameroon, Italy, United Kingdom, United States* (A/AC.125/L.29, para. 4)

"The duty of a State to co-operate with other States in accordance with the Charter in no way implies or involves any derogation from the principle of sovereign equality of States, or from the duty to refrain from intervention in the domestic affairs of other States".

3. *Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic, Yugoslavia* (A/AC.125/L.29, para. 3)

"International economic, social and technical co-operation and trade among States shall be free from any conditions which might affect the sovereign equality of States".

4. Amendment by Chile (A/AC.125/L.30, para. 2) to the nine-Power draft (A/AC.125/L.29, para. 3)

"In paragraph 3,

"(a) Replace the words 'International economic, social and technical co-operation and trade' by the words 'International co-operation in all spheres of international life, especially in the economic, social and technical spheres and in trade'."

"(b) After the word 'conditions', insert the words 'or limitations'."

F. NON-DISCRIMINATION AND DIFFERENCES IN THE POLITICAL, ECONOMIC OR SOCIAL SYSTEMS OF STATES

1. *Czechoslovakia* (A/AC.125/L.16, part V, para. 2 (c))

"Consequently, States shall, in particular:

"(c) Refrain from any discrimination in their relations with other States, in particular discrimination by reason of differences in political, economic and social systems or in levels of economic development".

2. *Algeria, Burma, Cameroon, India, Kenya, Lebanon, Madagascar, United Arab Republic, Yugoslavia* (A/AC.125/L.29, para 2)

"Differences in the political, economic or social systems of States as well as in their levels of economic and social development shall not impede international co-operation".

G. PARTICIPATION IN AND CONTRIBUTION TO THE WORK OF EFFECTIVE INTERNATIONAL INSTITUTIONS AND PROCEDURES

1. *Australia, Cameroon, Italy, United Kingdom, United States* (A/AC.125/L.26, para. 3 (a))

"In order to make this co-operation fully effective, each Member should *inter alia*:

"(a) participate in and contribute to the work of effective international institutions and procedures, including the United Nations and its specialized agencies, designed for the achievement of solutions to economic, social, health and related problems, or for the promotion of international cultural and educational co-operation".

VII. The principle of equal rights and self-determination of peoples

A. WRITTEN PROPOSALS AND AMENDMENTS

456. In connexion with the above principle three written proposals were submitted: one by Czechoslovakia; one jointly by Algeria, Burma, Dahomey, Cameroon, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia; and one by the United States of America (A/AC.125/L.32). Lebanon submitted an amendment to the United States of America proposal. The texts of these proposals and of the amendment are set out below.

457. Proposal by Czechoslovakia (A/AC.125/L.16, part VI) :

"1. All peoples have the right to self-determination, namely the right to choose freely their political, economic and social systems, including the rights to establish an independent national State, to pursue their development and to dispose of their natural wealth and resources. All States are bound to respect fully the right of peoples to self-determination and to facilitate its attainment.

"2. Colonialism and racial discrimination are contrary to the foundations of international law and to the Charter of the United Nations, and constitute impediments to the promotion of world peace and co-operation. Consequently, colonialism and racial discrimination in all their forms and manifestations shall be liquidated completely and without delay. Territories which, contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples, are still under colonial domination cannot be considered as integral parts of the territory of the colonial Power.

"3. Peoples have an inalienable right to eliminate colonial domination and to carry on the struggle, by whatever means, for their liberation, independence and free development. Nothing in this Declaration shall be construed as affecting the exercise of that right.

"4. States are prohibited from undertaking any armed action or repressive measures of any kind against peoples under colonial rule."

458. Joint proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (A/AC.125/L.31 and Add.1 to 3) :

"1. All peoples have the inalienable right to self-determination and complete freedom, the exercise of their full sovereignty and the integrity of their national territory.

"2. In accordance with the above principle:

"(a) The subjection of peoples to alien subjugation, domination and exploitation as well as any other forms of colonialism, constitutes a violation of the principle of equal rights and self-determination of peoples in accordance with the Charter of the United Nations and, as such, is a violation of international law.

"(b) Consequently peoples who are deprived of their legitimate right of self-determination and complete freedom are entitled to exercise their inherent right of self-defence, by virtue of which they may receive assistance from other States.

"(c) Each State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of another country.

"(d) All States shall render assistance to the United Nations in carrying out its responsibilities to bring about an immediate end to colonialism and to transfer all powers to the peoples of territories which have not yet achieved independence.

"(e) Territories under colonial domination do not constitute parts of the territory of States exercising colonial rule."

459. Proposal by the United States of America (A/AC.125/L.32) :

"1. Every State has the duty to respect the principle of equal rights and self-determination of peoples.

"2. Applicability of the principle of equal rights and self-determination of peoples in particular cases, and fulfilment of its requirements, are to be determined in accordance with the following criteria:

"A. (1) The principle is applicable in the case of:

"(a) A colony or other Non-Self-Governing Territory; or

"(b) A zone of occupation ensuing upon the termination of military hostilities; or

"(c) A trust territory.

"(2) The principle is *prima facie* applicable in the case of the exercise of sovereignty by a State over a territory geographically distinct and ethnically or culturally diverse from the remainder of that State's territory, even though not as a colony or other Non-Self-Governing Territory.

"(3) In the foregoing cases where the principle is applicable,

"(a) The power exercising authority, in order to comply with the principle, is to maintain a readiness to accord self-government, through their free choice, to the people concerned, make such good faith efforts as may be required to bring about the rapid development of institutions of free self-government, and, in the case of Trust Territories, conform to the requirements of Chapter XII of the Charter of the United Nations;

"(b) The principle is satisfied by the restoration of self-government, or, in the case of territories not having previously enjoyed self-government, by its achievement, through the free choice of the people concerned. The achievement of self-government may take the form of:

"(1) Emergence as a sovereign and independent State;

"(2) Free association with an independent State; or

"(3) Integration with an independent State.

"B. The existence of a sovereign and independent State possessing a representative Government, effectively functioning as such to all distinct peoples within its territory, is presumed to satisfy the principle of equal rights and self-determination as regards those peoples."

460. Amendments submitted by Lebanon (A/AC.125/L.34) to the United States of America proposal (A/AC.125/L.32)

"1. In the introductory phrase of paragraph 2 A (1), replace 'The principle is applicable in the case of' by 'The principle is applicable on'.

"2. At the beginning of paragraph 2 A (1) (b), add the following: 'the indigenous population of'."

B. DEBATE

1. *General comments*

461. The principle of equal rights and self-determination of peoples was discussed by the Special Committee at its fortieth and forty-first meetings on 7 and 11 April respectively and at its forty-third and forty-fourth meetings on 12 and 13 April 1966. All the representatives who spoke in the debate recognized the importance of the principle as proclaimed in Article 1, paragraph 2, of the Charter, and the desirability of codifying it.

462. Many representatives emphasized that the principle of equal rights and self-determination of peoples was no longer merely a moral or political postulate, but had become a recognized and universal principle of contemporary international law. Today, full respect for the principle was a prerequisite for the maintenance of international peace and security, the development of friendly relations among States, and economic, social and cultural progress throughout the world.

463. Some representatives referred to the historical, philosophical and political origins of the principle. They mentioned salient developments connected with this principle, citing the Declaration of Independence proclaimed by the United States in 1776, the French Revolution and the writings of various philosophers and thinkers. The principle became linked to the concept of nationality, which played an important political role in the nineteenth and early twentieth centuries. Although it had not been incorporated in the Covenant of the League of Nations and the mandates system established under that instrument covered only a limited number of territories, the principle of equal rights and self-determination came to occupy, after the First World War, an important place among the guiding principles of international policy. Having been set forth explicitly in Article 1, paragraph 2 and Article 55 and implicitly in Chapters XI, XII and XIII of the Charter it became part of contemporary positive international law.

464. With reference to the relevance of the principle in the modern world, a number of representatives stated that it was closely connected with one of the outstanding events of the present age, the emancipation of colonial peoples, and that it therefore applied primarily to the peoples which were still under colonial domination and were struggling for independence. It was said that the principle constituted the aspiration and the ultimate goal of countries struggling against colonialism and exploitation. To subject peoples and territories, self-determination represented the assertion of sovereignty, political independence and territorial integrity and the absence of external intervention. Proclaimed in the United Nations Charter, the principle had been broadened in scope in recent times by declarations, resolutions, treaties and legal texts and by the political action of United Nations organs.

465. Other representatives felt that it would be a serious mistake and contrary to the Charter to limit

the principle to colonial situations. They stressed that, if it was desired to formulate a genuine principle of international law, the statement of the principle should not be subordinated to, or circumscribed by, certain contemporary political events which by their very nature were temporary and transitory. Consequently, in proceeding to codify the principle, the Special Committee should not bear in mind only the position of dependent or Trust Territories. These representatives held that the principle applied both to the peoples of Non-Self-Governing and Trust Territories and to relations among independent and sovereign States, and its essence was based on the necessity of taking into consideration the desires of the peoples concerned before making territorial changes.

466. Some of the above-mentioned representatives also pointed out that a too rigid conceptual framework for the application of the principle could lead to loss of flexibility. Since Non-Self-Governing Territories varied enormously in resources, some peoples might neither wish nor be able to assume the full responsibilities of independent statehood and might prefer to maintain an association with another country. Those representatives therefore felt that the term "self-determination" should not be taken as necessarily implying full independence.

467. Some representatives emphasized that the principle of self-determination could not be used as a protective mantle to transform an unlawful situation or a situation imposed by force into a lawful one. The application of the principle should not affect the territorial integrity and the legitimate territorial claims of States. Those representatives stated that self-determination was defined from the territorial viewpoint as the right of a people to determine the national affiliation of the space which it inhabited and, consequently, to demand territorial changes and oppose any cession of territory to which it did not expressly consent.

468. The principle of equal rights and self-determination of peoples also implied, according to some representatives, respect for the right of other peoples to self-determination. One representative stated that a people could not be said to have exercised self-determination as long as it remained subject to colonial rule or to régimes which prevented its full exercise of the right to choose its own political, social, economic and cultural system through universal suffrage.

469. Some representatives remarked that the principle of equal rights and self-determination of peoples was a corollary of sovereign equality, because there could be no equality without independence. One representative stated that equal rights of States must mean that they had the same legal capacity whether or not the rights in question were strictly equivalent in the practical sense. Lastly, one representative emphasized the relationship between the principle of equal rights and self-determination of peoples and the development of the ideals of solidarity and interdependence between States.

470. As regards the actual formulation of the principle many representatives thought that Article 1, paragraph 2, of the Charter and General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples should be used as a basis. Some also referred, in this connexion, to the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of

their Independence and Sovereignty, adopted in General Assembly resolution 2131 (XX) of 21 December 1965.

471. Several representatives considered that the enunciation of the principle should not be limited to an affirmation of its universal and compulsory nature but that certain rights and obligations implicit or inherent in the principle should also be mentioned in detail. In the formulation, the most recent decisions of organizations and conferences that had dealt with the question should be taken into account. In their opinion, the main task would be to enumerate, in the formula adopted, all the basic components nowadays constituting the content of the principle, in order to ensure its implementation and strengthen its application.

472. Some other representatives recognized that the principle of equal rights and self-determination of peoples was rooted in justice and law, and particularly in the right of collective expression vested in every human group. They nevertheless thought that it was not always easy to translate such fundamental concepts into a body of legal rules intended to govern relations between sovereign States. Any codification of a legal principle must necessarily indicate which group enjoyed the rights and obligations established in the principle and the conditions and manner in which they were to be exercised. Some of those representatives believed that the work of formulation would consist principally in determining the content and scope of the legal obligation inherent in the principle. In the view of others, it consisted in specifying the conditions of applicability and in prescribing, in general terms, the legal conditions and consequences of its application.

473. As some of the above-mentioned representatives pointed out, if the existence of a permanent and universal right to self-determination, based on the Charter and international practice, was proclaimed, it was absolutely essential to specify who should enjoy that right, against whom it could be invoked and what the conditions were for exercising it. Otherwise the existence of that right could be invoked to justify, for example, a given State's territorial acquisitiveness or to dislocate sovereign States within which various ethnic communities had been living together for a long time. This view was also shared by some representatives who considered that the Special Committee's function was to begin by closely defining the actual principle before determining the specific obligations it imposed upon States.

474. In the course of the discussion of this principle documents of the San Francisco Conference concerning the drafting of the Charter and Article 1, paragraph 2, and Articles 55, 56 and 73 and Chapters VI, XI, XII and XIII of the United Nations Charter and the following General Assembly resolutions were quoted: 648 (VII) of 10 December 1952, "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government"; 742 (VIII) of 27 November 1953, "Factors which should be taken into account in deciding whether a Territory is or is not a Territory whose people have not yet attained a full measure of self-government"; 1514 (XV) of 14 December 1960, "Declaration on the Granting of Independence to Colonial Countries and Peoples"; 1541 (XV) of 15 December 1960, "Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for

under Article 73 (e) of the Charter"; 1654 (XVI) of 21 December 1961, "The Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples"; 2017 (XX) of 1 November 1965, "Measures to implement the United Nations Declaration on the Elimination of All Forms of Racial Discrimination"; 2105 (XX) of 20 December 1965, "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples"; 2131 (XX) of 21 December 1965, "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty".

475. Reference was also made to the following instruments and conferences:

- (1) Instruments: the Covenant of the League of Nations (1919),⁴⁴ the Atlantic Charter (1941),⁴⁵ the Charter of the Organization of American States (1948), the Declarations of Bandung (1955), Belgrade (1961) and Cairo (1964) and the Charter of the Organization of African Unity (1963);
- (2) Conferences: the First (1899),⁴⁶ Ninth (1948)⁴⁷ and Tenth (1954)⁴⁸ International Conferences of American States, the San Francisco Conference (1945)⁴⁹ and the Conferences of Heads of State or Governments of Non-Aligned Countries (1961, 1964).

2. *Questions relating to the general formulation of the principle on which observations were made during the debate*

476. During the debate a number of general questions were raised relating to the general formulation of the principle. These are summarized below.

(a) *Peoples and nations as beneficiaries of the principle of equal rights and self-determination of peoples*

477. Some representatives expressed the view that the principle proclaimed in Article 1, paragraph 2, of the Charter was applicable to both States and peoples. In their opinion, that had been confirmed by the numerous resolutions adopted on the subject by the General Assembly. Consequently, States had a duty to apply the principle in their relations both with independent States and with peoples which had not yet succeeded in setting up independent States. One representative said that it was to be deduced from the documents of the San Francisco Conference that, in the eyes of the authors of the Charter, the principle of equal rights and that of self-determination constituted a single norm and, consequently, that the purpose of Article 1, paragraph 2, of the Charter could not be other than to proclaim the equality of peoples as such, and their right to self-determination. Equality of rights, therefore, extended in accordance with the Charter to States, nations and peoples.

478. Some representatives were of the view that, although the Charter and international law in general dealt with relations among States, the primary relevance

⁴⁴ *American Journal of International Law* (Washington, D.C.), vol. 13, Supplement, 1919.

⁴⁵ League of Nations, *Treaty Series*, vol. CCIV.

⁴⁶ *The International Conferences of American States, 1889-1928*, edited by J. B. Scott (New York, Oxford University Press, 1931).

⁴⁷ *Annals of the Organization of American States* (Washington, D.C.), vol. I, 1949.

⁴⁸ *Ibid.*, vol. VI, 1954.

⁴⁹ *Documents of the United Nations Conference on International Organization*.

of the principle of equal rights and self-determination of peoples was to peoples under colonial rule. In the opinion of those representatives, the fact that the documents of the San Francisco Conference did not make clear the meaning of the word "peoples" in Article 1, paragraph 2, and Article 55 of the Charter, and that it was difficult to achieve an agreed definition of the term, should in no way impede the application of the principle to colonial peoples. It was accordingly stated that, read together with Article 73 of the Charter, the principle seemed to mean that substantial groups with a national character desiring to govern themselves and able to do so should be accorded self-government. It was added that the term "nations" in Article 1, paragraph 2, of the Charter could be defined as applying to peoples which possessed the same customs, religion and language, but which were not politically independent. In that connexion, one representative emphasized that while the principle of self-determination of peoples was perhaps implicit in the provisions of Article 73—although that might be controversial—those provisions did not allow any deductions to be made concerning the duties of Member States, as far as the general application of the principle was concerned.

479. Lastly, another representative observed that a people was not an entity in itself and that the whole question centred on the true condition of man. Thus, as certain traditional concepts had disappeared, man's inalienable rights had received increasing recognition and, as a result, peoples had been granted certain rights and freed from certain yokes.

(b) *The principle of self-determination as (i) the right of peoples to independence and (ii) the right of peoples to choose their own political, economic and social system*

480. Several representatives stressed that the right to independence was naturally an essential aspect of the principle of self-determination, but that the two notions were not legally identical. The principle of self-determination had a second aspect which must be taken into account when the principle was formulated, namely, the right of peoples to choose freely their political, economic and social systems. Thus, even when the process of decolonization was completed, the principle of self-determination would remain fully valid. That permanent aspect of the principle must be taken into account in its formulation. It would be contrary to the essence of the principle if, once a people had attained its independence, it was deprived of self-determination in the domestic sphere. In that regard, those representatives pointed out that this "domestic" aspect of the principle of self-determination was intimately bound up with the principle of sovereign equality of States and the principle of non-intervention. External independence and internal autonomy were thus the two essential aspects of the principle of self-determination.

481. One representative considered that the "domestic" aspect of the principle of the right of peoples to self-determination, namely, the right of every people freely to choose its form of government, was part of the public or constitutional law of each State and was only of indirect concern to international law. According to this representative, that aspect of the principle included the following rights proper to each State: (a) the right to choose its own political, economic and social system; (b) the right to adopt whatever legal system it wished without any limitation other than

respect for fundamental human rights; (c) the right to give its foreign policy the direction it deemed necessary, and to conclude and denounce international treaties, without any restrictions other than those deriving from the generally recognized rules of international law; and (d) the right to dispose of its wealth and natural resources in conformity with its own interests and international law. With regard to the second aspect of the principle, which concerned international law, the right of peoples to self-determination, according to the representative in question, was identical with their right to belong to the State of their choice—i.e., the right of self-determination in the narrower sense. That right, in its turn, comprised the following rights of peoples: (a) the right of any people not to be exchanged or transferred against their wishes; (b) their right to secede from the State to which they belong in order to attach themselves to another State or to form an independent State.

(c) *Colonialism as the denial of the right of self-determination*

482. Several representatives considered that it should be laid down in some form in the statement of the principle that colonialism, by its very nature, constituted a denial of the right to self-determination. It was emphasized that colonialism was still a living reality for many peoples and not merely an academic question, and all attempts to justify the origin of colonialism on grounds such as bringing religion to the indigenous populations, an alleged civilizing mission or the incapacity of indigenous peoples to govern themselves, were repudiated. Colonialism could not be defended as an act of civilization since it included the imperialist concept of exploitation.

(d) *Neo-colonialism and other forms of colonialism*

483. Some representatives said that in formulating the principle of equal rights and self-determination of peoples the Special Committee should reaffirm that neo-colonialism and all other forms of colonialism were unlawful. As the colonial empires—the classic examples of colonialism—had tended to disappear or to shrink, the vestiges of colonialism had assumed, according to those representatives, an unorthodox form, but one which was equally to be condemned. One representative observed that the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the General Assembly had made it unlawful for the granting of independence to colonial countries and peoples to be accompanied by the imposition of political, military or economic servitudes on former dependent territories. He further pointed out that in that Declaration, the General Assembly has also rejected all pretexts for prolonging colonial rule which were based on alleged inadequacy of political, economic, social or educational preparedness of the dependent countries or peoples.

(e) *Right to secession*

484. In the course of the debate some representatives expressed the view that the principle of equal rights and self-determination set forth in the United Nations Charter did not sanction an unlimited right of secession by peoples forming part of independent and sovereign States and that such a right could not be inferred as a provision of *lex lata* contained in that principle. One of those representatives pointed out that secession supported or encouraged by other States would surely

be in open contradiction with respect for territorial integrity, which was basic to the principle of sovereign equality of States.

485. On the contrary, other representatives considered that the right to secession was one of the rights implicit in the principle. They felt that self-determination implied the right of a people of a given State to secede from that State in order to attach themselves to another State or to form an independent State.

486. One representative felt that it would be dangerous to recognize the right to secession in international law in a general and unlimited manner since the rights of peoples within States were a matter to be dealt with by the domestic constitutional law of those States. However, the same representative asserted that such a right was unquestionable in a particular but very important case, namely, that of peoples, territories and entities subjugated by force in violation of international law. In that case, according to that representative, peoples had the right to regain their freedom and constitute themselves as independent and sovereign States. Finally, another representative considered that the international community was mature enough to distinguish between genuine self-determination and secession in the guise of self-determination.

(f) *Relationship with the principle of non-intervention*

487. During the debate, some representatives referred to the principle of non-intervention in connexion with the principle of equal rights and self-determination. One representative considered that the principle of non-intervention could not be used to protect denials of the right of peoples to self-determination. That right was merely the collective aspect of the concept of human rights and the international community had largely accepted the inapplicability of the principle of non-intervention in the event of the violation of human rights. Mention was also made in that context of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty which had been adopted by the General Assembly on 21 December 1965 (resolution 2131 (XX)). On the contrary, another representative pointed out that under the Charter scheme there was no justification for any separate and special treatment of colonial or other situations involving the principle of self-determination, with regard to the principle of non-intervention and the use of force. Finally, a third representative felt that direct intervention in support of ethnic groups living in neighbouring countries should not be permitted under cover of the principle of self-determination.

(g) *Condemnation of subversive activities and indirect intervention*

488. Certain representatives felt that any formulation of the principle of equal rights and self-determination should condemn subversive activities and indirect intervention which were sometimes carried out under cover of that principle. Such practices not only negated the principles of the Charter and the principle of the solidarity of peoples but also represented a threat to international peace and security.

(h) *Relationship with the safeguarding of fundamental human rights*

489. In the course of the debate references were made to the relationship existing between the principle

of equal rights and self-determination of peoples and respect for fundamental human rights and justice. Thus, it was stated that the principle of self-determination was a natural corollary of the principle of human freedom and that the subjection of peoples to foreign rule constituted a negation of fundamental human rights. One representative pointed out that Article 55 of the Charter spoke of the creation "conditions of stability and well-being which are necessary for peaceful and friendly relations among nations" and that the recognition of the fundamental rights and freedoms of every human being was an essential element in establishing a stable social order in each nation and in the community of nations. Moreover, the freedom of nations had advanced considerably during recent years, but human freedoms were still not safeguarded in some parts of the world subjected to colonial régimes or in those where the populations were exposed to inhuman practices such as apartheid.

(i) *Distinction between dependent territories which are administered in accordance with the Charter and those which are not*

490. One representative stressed the necessity of distinguishing, in the formulation of the principle, between the situation of territories which were administered in accordance with Chapters XI to XIII of the Charter and those which were not. In his opinion, those Chapters of the Charter were necessarily consistent with the principle of equal rights and self-determination of peoples. He considered that, in particular, the international trusteeship system was an honourable and accepted part of the machinery established by the Charter. Another representative stated that the trusteeship system established in the Charter was now but a remnant of history on the point of disappearing.

3. *Elements which were formally proposed for inclusion in the principle*

(a) *General content of the principle*

491. Paragraph 1 in the proposal submitted by Czechoslovakia and in the proposal submitted by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see paras. 457-458 above) contained provisions relating to the general content of the principle.

492. According to the proposal of Czechoslovakia, the principle would imply the right of all peoples to choose freely their political, economic and social systems, including the right to establish an independent national State; the right of all peoples freely to pursue their development in accordance with their interests, and the right freely to dispose of their national wealth and resources. The proposal of the Afro-Asian countries stipulated that all peoples had the right to self-determination and complete freedom, the exercise of their full sovereignty and the integrity of their territory.

493. One representative considered that the formulation of the principle should include a reaffirmation of the full sovereignty of peoples over their natural resources, as stipulated in the proposal of Czechoslovakia, while another expressed the view that this right was implicit in the "internal" aspect of the principle, i.e., in the right of every people to choose the political, economic and social system most suited to it.

494. Some representatives indicated that they were in general agreement with the contents of the afore-

mentioned proposals, but others did not consider those proposals satisfactory. In the view of the latter representatives, it was necessary to adopt, for the formulation of the general content of the principle, a broader approach which would cover all sides of it and would be more in consonance with the provisions of the Charter. It was also stressed by some of those representatives that the use of expressions like "all people have the right to self-determination" could raise almost insuperable practical difficulties.

(b) *Colonialism and racial discrimination as violations of the Charter and of international law*

495. Paragraph 2 of the proposal by Czechoslovakia (see para. 457 above) and sub-paragraph 2 (a) of the proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 458 above) concerned this question. Some representatives said that the illegality of colonialism and racial discrimination had become a generally accepted rule of contemporary international law derived from the United Nations Charter. In that connexion it was stated that racial discrimination was in many cases a legacy of colonialism, and inhuman practices such as apartheid were condemned. It was recalled that this legal conviction of the international community had been reflected in declarations adopted by the General Assembly, for example, in the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV) of 14 December 1960) and in the Declaration on the Elimination of All Forms of Racial Discrimination (resolution 1904 (XVIII) of 20 November 1963), and that bodies had been set up within the United Nations to liquidate both those pernicious practices. Therefore, those representatives agreed that the formulation of the principle should contain a condemnation of colonialism and racial discrimination in all their forms and manifestations and an affirmation of the necessity of putting an end to them.

496. Other representatives reserved their position in respect of the aforesaid proposals or considered them unacceptable. One of those representatives stated that his position was based on the view that the terminology of the proposals was not in harmony with that of General Assembly resolution 1514 (XV).

(c) *Right to eliminate colonial domination and right of self-defence against it*

497. Paragraph 3 of the proposal by Czechoslovakia (see para. 457 above) and sub-paragraph 2 (b) of the proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 458 above) referred respectively to the rights to eliminate, and to self-defence against, colonial domination. Some representatives considered these rights to be an essential element, or a corollary of the principle of self-determination. It was stated that the inclusion of those rights in the principle was necessary and in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and of General Assembly resolution 2105 (XX) of 20 December 1965. On the other hand, other representatives denied the existence of these rights or said that they introduced an unduly subjective element. In their view, the proposals were not com-

patible with the principle concerning the threat or use of force as stipulated in the Charter. One representative reserved his position on the proposals in view of their possible implications with respect to situations falling within the scope of Article 51 of the Charter.

(d) *Prohibition of armed action or repressive measures against peoples under colonial rule*

498. Paragraph 4 of the proposal by Czechoslovakia (see para. 457 above) contained a provision concerning this prohibition.

499. Some representatives stressed that States must cease all armed action or repressive measures directed against peoples demanding the recognition of their right to self-determination, recalling that this obligation was expressly mentioned in the Declaration on the Granting of Independence to Colonial Countries and Peoples. In their view, the use of force against colonized peoples justified the exercise of the right of self-defence and entitled them to moral and material assistance on the part of States and international organizations.

500. Consequently, some representatives held the view that the formulation of the principle should contain a prohibition of the use of force to deprive peoples of their national identity or to keep them under colonial domination. In support of this view, they mentioned that Article 73 (a) of the Charter expressly stipulated that the inhabitants of the Non-Self-Governing Territories must be protected against "abuses", and that there was no more flagrant abuse than the forcible repression of the national liberation of peoples. In this connexion it was also said that the presence of military bases impeded the attainment of independence. Other representatives, however, stated that they could not accept the proposal since the Charter did not contemplate any special and different treatment for colonial or other situations involving the principle of self-determination in relation to the legitimate use of force.

(e) *The duty to refrain from any action against the national unity and territorial integrity of another country*

501. Sub-paragraph 2 (c) of the proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 458 above) enunciated this duty as relating to the principle of equal rights and self-determination.

502. Some representatives stressed that the formulation of the principle should impose on all States the duty to refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of another country. Any such action would be incompatible with the purposes and principles of the Charter, as was stated in the Declaration on the Granting of Independence to Colonial Countries and Peoples. On the other hand, other representatives expressed in general their disagreement with the proposal, especially in the light of its possible implications with respect to the principle of the prohibition of the threat or use of force as prescribed in the Charter.

(f) *The right of peoples to receive assistance in their struggle against colonialism*

503. Sub-paragraph 2 (d) of the proposal by Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya,

Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 458 above) stated that all States should render assistance to the United Nations to bring about an end to colonialism and to transfer all powers to peoples which had not yet achieved independence. The representative of Czechoslovakia pointed out also that paragraph 3 of his proposal (see para. 457 above) likewise reflected the right of peoples under colonial rule to carry on their struggle to exercise their right of self-determination and to receive material and moral assistance towards the achievement of that goal.

504. Some representatives stated that, given the direction in which the application of the principle of self-determination in United Nations and State practice had developed in recent years, and bearing in mind the fact that the United Nations Organization had made a notable contribution by giving active political and moral assistance to peoples struggling for their independence, it should be recognized in connexion with this principle, or as a logical corollary of it, that peoples which were struggling for their freedom were entitled to receive assistance from other States and that those States had a duty to render assistance to the United Nations in its efforts in favour of the liquidation of colonial régimes. General Assembly resolutions 648 (VII) of 10 December 1952, 742 (VIII) of 27 November 1953, 1514 (XV) of 14 December 1960, 1956 (XVIII) of 11 December 1963 and 2105 (XX) of 20 December 1965 were mentioned in that connexion. One representative said that violation of the principle of self-determination by colonial Powers, particularly through the threat or use of force, entitled the colonized peoples to liberate their territories from foreign occupation and to receive assistance from other States and international organizations.

505. It was also stated that ensuring the exercise of self-determination of peoples was a duty of solidarity and a true duty of the international community, since colonialism was contrary to the Charter and constituted a violation of international law. If the efforts of the international community to suppress colonialism were impeded it would therefore be permissible to render aid and assistance to those struggling to exercise their lawful rights.

506. Other representatives did not agree with the language of the proposal since, in their view, it was based on a too restricted concept of the principle of equal rights and self-determination of peoples.

(g) *Obligation of States to respect and facilitate the attainment of self-determination*

507. Paragraph 1 of the proposal of Czechoslovakia (see para. 457 above) contained a reference to the responsibility of States to facilitate the attainment of self-determination.

508. Several representatives stated that it was the duty of all States, and particularly of colonial Powers, to enable oppressed peoples to exercise peacefully and freely their right of self-determination with a view to their achieving full independence. It was pointed out in that connexion that many Declarations and resolutions of the General Assembly had requested the colonial Powers to co-operate and to take immediate steps for the liquidation of colonialism. Other representatives expressed reservations regarding the proposal since, in their view, it was founded on a too limited notion of

the principle of equal rights and self-determination of peoples.

(h) *The question whether dependent territories may be considered integral parts of the metropolitan country*

509. Paragraph 2 of the proposal of Czechoslovakia (see para. 457 above) and sub-paragraph 2 (e) of the proposal of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia (see para. 458 above) contained provisions relating to the status of dependent territories.

510. Several representatives took the view that the formulation of the principle should include a provision stating that territories still under colonial domination should not be regarded as parts of the territory of States exercising colonial rule. Any attempt to regard dependent territories as an integral part of the metropolitan territory would be based on a mere fiction and would constitute a violation of the norms and principles of international law. Moreover, the Charter of the United Nations and the practice of its organs were based on the legal presumption that territories still under colonial domination could not be regarded in law as integral parts of the territory of the colonial Power concerned, but must be regarded as separate entities. It was emphasized that this rule was of great practical and legal importance; for instance, situations arising as a result of the use of force by a colonial Power against such territories would be regarded as international, and not domestic, matters, and therefore the rule would not hamper effective action by the competent United Nations organs. In support of this interpretation, one representative cited the fact that the inhabitants of dependent territories do not enjoy the same rights as those of the metropolitan colonial Power. Furthermore, it was pointed out that it was necessary to avoid repetitions of arbitrary fragmentations of States such as those which resulted from the 1885 Berlin Treaty.⁵⁰

511. Another representative expressed the view that the proposals seemed to indicate the proposition that the juridical situation of a territory which under internal law was an integral part of a State did not constitute in itself a bar to the application of the principle of self-determination of the peoples within such territory. He considered that the same concept was to be found in paragraph 2 A (2) of the proposal of the United States (see para. 459 above). In his opinion, the latter constituted a better formulation, as it avoided the elimination of the juridical protection afforded a certain territory by existing norms of international law. Criticism was also made of the fact that certain of the proposals did not distinguish between the several categories of dependent territories in existence.

512. One representative supported the proposals on the understanding that they referred to a geographical fact which destroys the legal fiction that overseas territories form part of the metropolitan territory; he added, however, that it could not be ignored that sovereignty was exercised by the administering Power, but such exercise should fulfil the conditions imposed on it by Chapter XI of the Charter.

⁵⁰ *American Journal of International Law* (Washington, D.C.), vol. 3, Supplement, 1909.

- (i) *Respect for the applicability of the principle, its conditions and legal consequences, and satisfaction of the principle of equal rights and self-determination of peoples*

513. Paragraph 2 of the proposal by the United States (see para. 459 above) contained a number of provisions concerning respect for and applicability of the principle of equal rights and self-determination of peoples. The representative of Lebanon introduced an amendment (paras. 1 and 2) to certain parts of the proposal relating to the applicability of the principle (see para. 460 above).

514. The proposal of the United States proclaimed the duty of every State to respect the principle of equal rights and self-determination of peoples, and specified in paragraph 2 the conditions of applicability of the principle. The sponsor of the proposal explained that it distinguished between situations in which the applicability of the principle was subject to being rebutted and those in which it was not. The fundamental premise was that when a territory over which a State exercised sovereignty exhibited certain basic divergencies from the bulk of that State's territory, there was at least a legitimate question whether the principle of equal rights and self-determination of peoples was being satisfied. If upon further examination it was shown, for example, that certain conditions described in the proposal in fact existed, then it followed that the requirements of the principle were met. In this respect, the sponsor of the proposal indicated that such a premise had been already proclaimed by the United Nations, particularly in General Assembly resolution 1541 (XV) of 15 December 1960, but that it had not been formulated as yet in legal terms in relation to the principle of equal rights and self-determination of peoples. It was also indicated that the provisions in the proposal which described the measures to be adopted to implement the principle in accordance with the Charter were based on Chapters XI and XII of the Charter.

515. Finally, the proposal provided also that "the existence of a sovereign and independent State possessing a representative Government, effectively functioning as such as to all distinct peoples within its territory" is presumed to satisfy the principle of equal rights and self-determination of peoples. The sponsor of the proposal stated that the Charter, by the inclusion of the concept of self-determination of "peoples", presupposed certain rules by which to judge the legitimacy of the modes of political organization which were imposed upon peoples within the framework of a world community composed of sovereign States, and that the proposal was intended precisely to express those rules.

516. Some representatives supported the proposal since, in their opinion, it represented a serious effort to reach a universal, complete and balanced formulation of the principle, and corresponded to a general concept in accordance with the Charter and the resolutions of the General Assembly. Others opposed it because in their view, it did not even attempt to define the content of the principle and aimed at limiting its application, which would be tantamount to a return to the era of colonial domination, and it did not contain any provision to the effect that colonialism is contrary to international law.

517. One representative, who supported in general the proposal, nevertheless stated that self-determination

and the rejection of colonialism were so closely linked together that the development of the former could not be understood without the condemnation and extinction of the latter. He also stated that the expression "in particular cases" in the introductory sentence of paragraph 2 weakened the idea which was expressed. The same representative stated further that, in connexion with the free association and integration mentioned in that paragraph 2 (b) which related to the satisfaction of the principle, account should be taken of the statements in principles VII, VIII and IX of the annex to General Assembly resolution 1541 (XV).

518. In connexion with the standards for judging the legitimacy of modes of political organization, some representatives agreed that the free and genuine expression of the popular will was an essential element of the principle. In their view, the existence of a representative Government would guarantee that the principle of equal rights and self-determination was genuinely applied in the case of a sovereign and independent State.

C. DECISION OF THE SPECIAL COMMITTEE

1. *Statement by the Chairman of the Drafting Committee*

519. At the 49th meeting of the Special Committee, on 21 April 1966, the Chairman of the Drafting Committee informed the Special Committee that, because of lack of time, the Drafting Committee had not been able to examine in any detail all the essential aspects of the principle of equal rights and self-determination of peoples. The informal discussions had nevertheless been extremely useful, and some early indications of definite conclusions had already begun to emerge. However, the Drafting Committee was unable to place any recommendations before the Special Committee at the present time. He hoped that there would be sufficient time and opportunity in the future for the principle to receive the full treatment it deserved.

2. *Decision*

520. At its 52nd meeting, on 25 April 1966, the Special Committee took note of a report by the Drafting Committee (see para. 567 below) that it had been unable to present an agreed formulation of the principle of equal rights and self-determination of peoples (see chapter IX below for the discussion of this report in the Special Committee).

3. *Systematic survey of proposals*

521. A systematic survey of the proposals on this principle which were referred to the Drafting Committee follows hereafter.

A. GENERAL STATEMENT OF THE PRINCIPLE

1. *Czechoslovakia (A/AC.125/L.16, part VI, para. 1)*

"1. All peoples have the right to self-determination, namely the right to choose freely their political, economic and social systems, including the rights to establish an independent national State, to pursue their development and to dispose of their natural wealth and resources. All States are bound to respect fully the right of peoples to self-determination and to facilitate its attainment".

2. *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia (A/AC.125/L.31, para. 1)*

"1. All peoples have the inalienable right to self-determination and complete freedom, the exercise of their (full) sovereignty and the integrity of their national territory.

3. *United States of America* (A/AC.125/L.32, para. 1)

"1. Every State has the duty to respect the principle of equal rights and self-determination of peoples.

B. APPLICABILITY OF THE PRINCIPLE

1. *United States* (A/AC.125/L.32, para. 2 A (1) and (2))

"2. Applicability of the principle of equal rights and self-determination of peoples in particular cases and fulfilment of its requirement, are to be determined in accordance with the following criteria:

"A. (1) The principle is applicable to the case of:

"(a) A colony or other Non-Self-Governing Territory; or

"(b) A zone of occupation ensuing upon the termination of military hostilities; or

"(c) A trust territory.

"(2) The principle is *prima facie* applicable in the case of the exercise of sovereignty by a State over a territory geographically distinct and ethnically or culturally diverse from the remainder of that State's territory, even though not as a colony or other Self-Governing Territory".

2. *Lebanon* (amendment A/AC.125/L.34 to A/AC.125/L.32)

"1. In the introductory phrase of paragraph 2 A (1), replace 'The principle is applicable in the case of' by 'The principle is applicable on'.

"2. At the beginning of paragraph 2 A (1) (b), add the following: 'The indigenous population of'."

C. MODE OF COMPLIANCE WITH THE PRINCIPLE

United States (A/AC.125/L.32, para. 2 A (3) (a))

"(3) In the foregoing cases where the principle is applicable,

"(a) The power exercising authority, in order to comply with the principle, is to maintain a readiness to accord self-government, through their free choice, to the people concerned, make such good faith efforts as may be required to bring about the rapid development of institutions of free self-government, and, in the case of Trust Territories, conform to the requirements of Chapter XII of the Charter of the United Nations".

D. VIOLATIONS OF THE PRINCIPLE

1. *Czechoslovakia* (A/AC.125/L.16, part VI, para. 2)

"2. Colonialism and racial discrimination are contrary to the foundations of international law and to the Charter of the United Nations, and constitute impediments to the promotion of world peace and co-operation. Consequently, colonialism and racial discrimination in all their forms and manifestations shall be liquidated completely and without delay...".

2. *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia* (A/AC.125/L.31, para. 2 (a))

"2. In accordance with the above principle:

"(a) The subjection of peoples to alien subjugation, domination and exploitation as well as any other forms of colonialism, constitutes a violation of the principle of equal rights and self-determination of peoples in accordance with the Charter of the United Nations and, as such, is a violation of international law."

E. RIGHT OF SELF-DEFENCE AGAINST COLONIAL DOMINATION

1. *Czechoslovakia* (A/AC.125/L.16, part VI, para. 3)

"3. Peoples have an inalienable right to eliminate colonial domination and to carry on the struggle, by whatever means, for their liberation, independence and free development. Nothing in this Declaration shall be construed as affecting the exercise of that right".

2. *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia* (A/AC.125/L.31, para. 2 (b))

"2. In accordance with the above principle:

"..."

"(b) Consequently peoples who are deprived of their legitimate right of self-determination and complete freedom are entitled to exercise their inherent right of self-defence, by virtue of which they may receive assistance from other States".

F. ARMED ACTION OR REPRESSIVE MEASURES AGAINST COLONIAL PEOPLES

Czechoslovakia (A/AC.125/L.16, part VI, para. 4)

"4. States are prohibited from undertaking any armed action or repressive measures of any kind against peoples under colonial rule".

G. PROTECTION OF TERRITORIAL INTEGRITY

Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia (A/AC.125/L.31, para. 2 (c))

"2. In accordance with the above principle:

"..."

"(c) Each State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of another country".

H. ASSISTANCE TO THE UNITED NATIONS

Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia (A/AC.125/L.31, para. 2 (d))

"2. In accordance with the above principle:

"..."

"(d) All States shall render assistance to the United Nations in carrying out its responsibilities to bring about an immediate end to colonialism and to transfer all powers to the peoples of territories which have not yet achieved independence".

I. STATUS OF DEPENDENT TERRITORIES

1. *Czechoslovakia* (A/AC.125/L.16, part VI, para. 2)

"... Territories which, contrary to the Declaration on the Granting of Independence to Colonial Countries and Peoples, are still under colonial domination cannot be considered as integral parts of the territory of the colonial Power".

2. *Algeria, Burma, Cameroon, Dahomey, Ghana, India, Lebanon, Kenya, Madagascar, Nigeria, Syria, United Arab Republic and Yugoslavia* (A/AC.125/L.31, para. 2 (e))

"2. In accordance with the above principle:

"..."

"(e) Territories under colonial domination do not constitute parts of the territory of States exercising colonial rule."

J. SATISFACTION OF THE PRINCIPLE

United States (A/AC.125/L.32, para. 2 A (3) (b) and 2 B)

"(b) The principle is satisfied by the restoration of self-government, or, in the case of territories not having previously enjoyed self-government, by its achievement through the free choice of the people concerned. The achievement of self-government may take the form of:

"(1) Emergence as a sovereign and independent State;

"(2) Free association with an independent State; or

"(3) Integration with an independent State.

"B. The existence of a sovereign and independent State possessing a representative Government, effectively functioning as such as to all distinct peoples within its territory, is presumed to satisfy the principle of equal rights and self-determination as regards those peoples."

VIII. The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

B. DEBATE

1. General comments

A. WRITTEN PROPOSALS

522. Three written proposals concerning the principle considered in the present chapter were submitted by Czechoslovakia; jointly by Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia; and jointly by the United Kingdom of Great Britain and Northern Ireland and the United States of America. The texts of these proposals are set out below, in the order of their submission to the Special Committee.

523. Proposal by Czechoslovakia (A/AC.125/L.16, part VII):⁶¹

"1. Every State shall strictly observe the generally recognized principles and norms of international law and shall fulfil, in good faith, its obligations arising from international treaties freely concluded by it on the basis of equality and in conformity with the above principles.

"2. Every State has the duty to conduct its international relations in accordance with the Charter of the United Nations and with the principles contained in the present Declaration."

524. Joint proposal by Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia (A/AC.125/L.35):

"1. Every State shall fulfil, in good faith, its obligations ensuing from international treaties, concluded freely and on the basis of equality, as well as obligations ensuing from other sources of international law.

"2. Any treaty which is in conflict with the Charter of the United Nations shall be invalid, and no State shall invoke or benefit from such treaties.

"3. Each State has the duty to conduct its international relations in accordance with the United Nations Charter and with the principles enunciated in the present Declaration."

525. Joint proposal by the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.125/L.37):

"1. Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter.

"2. In particular:

"A. (1) The obligations of treaties and other obligations of international law may not be lawfully avoided on grounds of incompatibility with either national law or national policy;

"(2) Upon the faithful performance of such obligations rests the right to exact and enjoy similar performance by others.

"B. States Members of the United Nations and its specialized agencies have the duty

"(1) To fulfil in good faith the obligations placed upon them by the constitution, rules of procedure, and mandatory decisions of those organizations, and

"(2) So to conduct their participation that the organizations themselves act in conformity with their constitutional rules of procedure and mandatory decisions and that the constitutional rights of other Members are not impaired.

"C. Where obligations arising out of international agreements are in conflict with the obligations imposed upon Members of the United Nations by the Charter of the United Nations, the latter obligations shall prevail."

526. The Special Committee discussed the principle considered in the present chapter at its forty-fifth to forty-seventh meetings, between 13 and 15 April 1966.

527. Representatives were generally agreed that the principle under discussion was of very great importance, both legally and politically. It underlay the whole structure of international law and was closely linked to the maintenance of international peace and security, the peaceful settlement of disputes and the development of co-operation among States. Respect for the principle would lead to international relations based on mutual trust. This was particularly necessary in the case of relations between States having different political, economic and social systems.

528. Several representatives said that while it was perhaps tautological to declare that States were obliged to fulfil their obligations as was done in Article 2, paragraph 2, of the Charter, such a statement had particular significance in reaffirming the rule *pacta sunt servanda* which gave legal force to the Charter.

529. A number of representatives regretted that the Special Committee was unable to give more time to the consideration of the principle as its session was drawing to a close. One of these representatives stated that if the principle were enunciated only in general terms of the rule *pacta sunt servanda* and the concept of good faith, it would be easy to conclude that there was general agreement. Going beyond generalities, however, many problems arose which required deep study. The validity of treaties; the questions of their interpretation, modification and termination; the relationships between treaty law and municipal law, between treaties and customary law and between treaties and the Charter; and the concept of good faith, which went beyond the law of treaties, were some of the problems which should be explored. The International Law Commission was approaching conclusions on many of these problems, and it might be wiser for the Special Committee not to embark upon the elaboration of a text which would inevitably bear the mark of haste and improvisation.

530. It was said by another representative that a study of the principle concerned showed that it was composed of three distinct rules of international law: the rule *pacta sunt servanda*, the rule of good faith, and the rule that the obligations covered by the principle should be in conformity with the Charter. In the Charter these three rules were to be found successively in the third paragraph of the Preamble, in Article 2, paragraph 2, and in Article 103.

531. The view was expressed that any formulation of the principle accepted by the Special Committee should incorporate the Charter provisions and adapt them to contemporary international law. The drafters of the Charter had intended to draw some distinctions between the rules concerned. In the Preamble they had restated the rule *pacta sunt servanda* in its strictest sense, stressing its applicability to obligations arising both from treaties and from other sources of international law. In Article 2, paragraph 2, they had stressed the importance of the concept of good faith. In Article 103 they had added a new element which created a hierarchy in the legal obligations of States. These elements had to be brought together in a broad state-

⁶¹ Part VII of the proposal by Czechoslovakia was entitled "The principle that States shall fulfil in good faith their international obligations".

ment of the duty of all States, and not only Members of the United Nations, to fulfil their obligations in good faith.

532. One representative said that his delegation considered that the principle in question required, as one of its elements, a balancing of the fundamental postulate *pacta sunt servanda* with the maxim *rebus sic stantibus*. He also drew attention to the remarks of the International Law Commission in the commentary on Article 55 of its draft articles on the law of treaties,⁵² where the Commission had stressed that it was desirable to underline the obligation to observe treaties in good faith and not *stricti juris*. The same could be said for obligations assumed under the Charter.

2. Scope of the principle

533. Some discussion took place in the Special Committee on the scope of the principle under consideration. One representative said that it related to obligations assumed in accordance with the Charter. It might therefore be asked to what extent it applied to other obligations. It was clear that Article 2, paragraph 2, of the Charter, from which the principle basically derived, related only to obligations which States had assumed under the Charter. However, the principle of good faith was not limited to Charter obligations. It also applied to treaty obligations generally, as was shown by article 55 of the draft articles on the Law of Treaties prepared by the International Law Commission, and to obligations deriving from other sources of international law. Furthermore, Article 103 of the Charter, which established the supremacy of Charter obligations, showed that the principle under consideration was not limited to such obligations, but extended to obligations under treaties other than the Charter.

534. Another representative pointed out that there were some differences of wording between the principle referred to the Special Committee and the terms of Article 2, paragraph 2, of the Charter. Thus, for example, the former referred to "States", while the latter referred to "Member States". While the latter mentioned the rights and advantages accruing to States in their capacity as Members, the former was silent on this subject. These differences, however, did not introduce any real discrepancy between the principle and the Charter Article. As the text of Article 2, paragraph 2, of the Charter had finally emerged at San Francisco, a general rule had been placed within a setting essential to the nature of the Organization: if every Member did not fulfil its obligations assumed under the Charter, the expected advantages did not accrue to all. In this context the rule was really based on the principle of co-operation. However, it likewise related to the principle of *pacta sunt servanda*, and it was in this wider setting that it had been referred to the Special Committee by the General Assembly.

535. One representative expressed the opinion that, while the wording of the principle before the Committee was possibly ambiguous, the principle was not meant to be confined to Charter obligations. This conclusion emerged from the history of the drawing up of that wording. In the negotiations that had preceded the drafting of General Assembly resolution 1815 (XVII) of 18 December 1962, from which the wording of the principle derived, there had been differences

of opinion as to whether the principle should be formulated to refer to all States or only to Member States. It had been agreed, by way of compromise, that a comma should be placed after the words "assumed by them". Unfortunately that comma had somehow subsequently disappeared from the text.

3. The concept of good faith

536. Reference was made in all the proposals before the Special Committee to the fulfilment of obligations "in good faith": Czechoslovakia, in paragraph 1; Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia, in paragraph 1; and the United Kingdom and United States, in paragraphs 1 and 2 (see paras. 523-525 above).

537. There was some comment in the Special Committee on the concept of good faith, both in general terms and in relation to its definition and the determination of the existence of lack of good faith.

538. The concept of good faith, according to some representatives, had been repeatedly affirmed in a large number of international treaties, declarations and conferences, and in many General Assembly resolutions. Respect for the concept was now a necessity in international life and international co-operation must be based on good faith; it was a duty under the Charter and any bad faith by States in the application of the Charter would be demonstrated by the absence of that co-operation. If good faith was vital in private law, it was even more so in relations between States, since the means of ensuring the fulfilment of obligations at the domestic level, through the courts and law-enforcement agencies, were virtually non-existent in the international sphere.

539. It was also said that the concept of good faith implied the existence of a new source of law which was to be found in the conscience of peoples. A moral principle had become a legal norm. The significance of this change had to be measured against the history of deceit and bad faith in the diplomacy of the past.

540. One representative said that the credit for the introduction of the concept of good faith in the principle under discussion must go to the jurists of Latin America. At San Francisco, the representative of Colombia had stressed that it was not enough to say that States should fulfil their obligations, the concept of good faith had to be introduced to fill a juridical vacuum which would otherwise exist. Furthermore, it could not be said that the concept was implicit in all obligations and did not require explicit mention, because there was one school of political philosophy which attached no value whatever to good faith.

541. It was argued that the concept of good faith might not be easy to define precisely. As with some other basic terms, it was simpler to illustrate than to define. Nevertheless, it was easy to grasp the essence of the concept in question, which imposed on States a duty to fulfil their obligations conscientiously and in a reasonable manner. It was in that sense that the Permanent Court of Arbitration had referred in 1904, in the Venezuelan Preferential Case, to the good faith which ought to govern all international relations.⁵³

542. One representative said that the concept of good faith had more moral than legal content. The

⁵² Official Records of the General Assembly, Nineteenth Session, Supplement No. 9.

⁵³ The Hague Court Reports (First Series), edited by J. B. Scott (New York, Oxford University Press, 1916).

moral content could be found, for example, in the draft Declaration of the Rights and Duties of American States of 1946 and in a declaration of 1942 by the Inter-American Juridical Committee, reaffirming the fundamental principles of international law. The difficulty of definition lay in determining the legal extent of good faith, and whether this could be done by an all-embracing definition or by reference to examples of bad faith, or both. Good faith did not allow a State to rely on its national law, or on a change in circumstances for which it was itself responsible, in order to escape certain obligations.

543. It was also pointed out that difficulties of determining what constituted good faith arose in domestic law as well as in international law. In international law particular problems arose in establishing that bad faith existed and in determining the sanction to be applied to a State acting in bad faith. It was not sufficient to assert that a State was acting in bad faith. The existence of bad faith had to be proved by establishing the existence of acts of omission or commission by one State to the detriment of another. In this sense, the concept of bad faith had a part to play in the law relating to State responsibility.

4. Compliance with obligations arising out of the Charter of the United Nations

544. Paragraph 2 in the proposals of Czechoslovakia and paragraph 3 in the joint proposal submitted by Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, the United Arab Republic and Yugoslavia (see paras. 523-524 above) contained identical provisions to the effect that each State had a duty to conduct its international relations in accordance with the Charter of the United Nations and with the principles of international law concerning friendly relations and co-operation among States. Paragraph 2 B in the proposal of the United Kingdom and the United States (see para. 525 above) referred to a duty of States to fulfil in good faith the obligations assumed by them in accordance with the Charter. It also referred to a duty of States Members of the United Nations and of the specialized agencies to fulfil in good faith the obligations placed upon them by the constitution, rules of procedure and mandatory decisions of those organizations and to so conduct their participation that the organizations themselves acted in conformity with their constitutions and did not impair the constitutional rights of other Members.

545. The above provisions were not the subject of much discussion. With respect to the first of them, it was said that it was intended to stress that States, in the conduct of their foreign relations, were under a duty to comply with principles which were of a peremptory nature.

546. With respect to the second provision, one representative recalled that, at the San Francisco Conference, it had been said that Article 2, paragraph 2, of the Charter meant not merely that one Member which fulfilled its duties and obligations might exercise certain privileges and rights, but also that if all the Members of the Organization fulfilled their obligations all Members would receive the benefit. Those obligations were of a twofold nature. First, there were the obligations between State and State, not only to obey the rules set out in the Charter, but also to obey decisions of United Nations organs made in conformity with the Charter. Secondly, States must act in such a way that the Organization and its constituent organs did

not infringe the Charter or the respective powers of those organs. The same twofold obligations arose for members of the specialized agencies. It was important to spell out the obligations arising from the application of the principle of good faith to membership in the United Nations system.

5. Compliance with obligations arising out of treaties and other sources of international law

547. All the proposals before the Committee contained provisions relating to the duty of States to comply in good faith with obligations arising out of treaties and other sources of international law. The provisions in paragraph 1 of the proposal by Czechoslovakia, and in paragraph 2 of the joint proposal by Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, the United Arab Republic and Yugoslavia (see paras. 523-524 above) were of a general character, and much of the discussion in relation to them arose in connexion with the question of unequal treaties which is considered in the next section of the present chapter.

548. The provision in paragraph 2 A of the proposal by the United Kingdom and the United States (see para. 525 above) was to the effect that treaty and other obligations arising out of international law could not be avoided on grounds of incompatibility with national law or national policy and that the right to exact and enjoy performance by others of their obligations rested upon the faithful performance of such obligations.

549. A number of general observations were made on the duty to comply with obligations arising out of treaties and other sources of international law. It was said that the rule *pacta sunt servanda* and the concept of good faith were corner-stones of the United Nations system. In view of the provisions contained in the third paragraph of the Preamble to the Charter, in Article 2, paragraphs 2 and 6, and in Article 103, it was clear that the drafters of the Charter had intended to place post-war international relations on a sound foundation by stressing the responsibility of all States to observe strictly the rules of international law.

550. It was also said that the rule of *pacta sunt servanda* was one of the oldest principles of international law, which had survived since antiquity. The Preamble to the Covenant of the League of Nations had expressly stated that scrupulous respect for treaty obligations was one of the means of promoting international co-operation and achieving international peace and security. The rule now found clear expression in the Charter, and had been confirmed in numerous resolutions of the General Assembly and in the writings of recognized jurists. It was one of the basic foundations of normal peaceful relations among States and no Government could fail to accept it. Failure to observe it would make such relations impossible. Violations of the rule could jeopardize international peace and security and could lead to wars of aggression.

551. According to one representative, the Charter had created a new international order, based on respect for the sovereign equality of States, protection of their territorial integrity and political independence, maintenance of international peace and security and the enabling of peoples who had been deprived of the right of self-determination to exercise that right and to exercise their sovereignty over their territory and national resources. The rule of *pacta sunt servanda* was of particular importance under this new order, as its strict application would make it possible for peace and justice to prevail.

552. Another representative expressed the view that the obligations, other than those arising from treaties which States were bound to comply with, included both those of customary international law and those of the generally recognized principles of international law embodied in the Charter and in such basic documents as the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) and the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (General Assembly resolution 2131 (XX) of 21 December 1965).

553. One representative declared that any formulation adopted by the Special Committee should define the basic relationship between international legal obligations and the national law or national policy of States. Just as one could not conceive of a national legal order in which citizens reserved the right to participate in the legal order or not, one could not think of an international legal order in which States were not similarly bound. A further fundamental of the international legal system, which provided all its members with various benefits in the form of rights, was that that system could survive only to the extent that the burdens which it imposed on each were duly borne.

6. *Limitations upon the duty to comply with treaty obligations*

(a) *The question of unequal treaties*

554. Paragraph 1 in the proposal of Czechoslovakia and paragraph 1 in the joint proposal of Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia (see paras. 523-524 above), contained provisions which had the effect of limiting the duty to comply with treaty obligations, to obligations arising out of treaties freely concluded on a basis of equality.

555. A number of representatives stressed that any general statement relating to a duty to fulfil obligations arising out of treaties should contain qualifications of this nature. It was said that commitments resulting from aggression, colonial domination or inequalities between States were excluded from the principle under consideration. Some colonial Powers invoked the rule *pacta sunt servanda* in demanding compliance with leonine agreements concluded with their former colonial territories. Such actions were in contravention of the principle of good faith, since the agreements in question were iniquitous in their terms and had been obtained in violation of the principle of sovereign equality of States. The African and Asian States had fared badly under treaty law. Local rulers, in order to strengthen their own position or as the result of compulsion, had often concluded treaties detrimental to their subjects. The binding force of treaties rested on consent freely given, but in the case of many treaties imposed on colonial territories that free consent had not been present.

556. One representative said that the question was of particular interest to his country, which had been the object of economic blockades and acts of armed aggression for refusing to comply with spoliatory measures included in agreements concluded by a former régime. In the light of this experience, the Special Committee should assist developing countries in rejecting inequitable agreements that had been imposed on them. The International Law Commission, in articles

37 and 45 of its latest draft on the law of treaties,⁵⁴ had provided that a treaty was void if it conflicted with a peremptory norm of international law.

557. It was further said that the attainment of independence by many countries had necessitated a reappraisal of State succession to treaty rights and obligations. There was no universal succession upon independence to treaty rights and obligations which had been extended to colonial territories under colonial clauses. On the other hand, it was equally incorrect to argue that all treaty rights and obligations extended to a colonial territory lapsed upon attainment of independence. Many new States had accepted automatic succession, particularly with respect to conventions of a humanitarian character. They must, however, reserve the right to abrogate or renegotiate unequal treaties to which they had been subjected by their former colonizers.

558. Other representatives thought it was undesirable to insert any particular qualifications concerning freedom of consent in a statement of the duty to comply with treaty obligations. If a qualification were to be inserted at all, it should be of a general character and should refer to the many rules of treaty law by which the validity of international agreements was determined, rather than single out an interpretation of one part thereof and thus give it disproportionate emphasis. It was also said that it would unnecessarily complicate the work of the Special Committee if it were to embark on a discussion of the grounds of validity or invalidity of treaties. The view, in particular, that certain allegedly "unequal treaties" were invalid was a controversial point. It was preferable to await the outcome of the work of the International Law Commission before seeking to insert particular qualifications in the duty to fulfil treaty obligations. While the Committee was not bound by the conclusions of the International Law Commission, it could not ignore the work which the Commission had devoted to the law of treaties and which had been far more thorough than any study the Special Committee could undertake.

(b) *The question of treaties concluded in bad faith*

559. One representative suggested that the Special Committee might consider inserting a provision recognizing the possibility of abrogating treaties which had been concluded in bad faith. Good faith should play a part not only in the fulfilment of obligations, but also in the process of their creation. However, no formal proposal to this effect was placed before the Special Committee.

(c) *Supremacy of Charter obligations*

560. Paragraph 2 in the proposal of Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia (see para. 524 above) contained a provision to the effect that any treaty in conflict with the Charter was invalid and that no State should invoke or benefit from such a treaty. A provision in paragraph 2 C of the proposal of the United Kingdom and the United States (see para. 525 above) was to the effect that Charter obligations prevailed, in the event of conflict, over obligations arising out of other international instruments.

561. There was no disagreement in the Special Committee on the question of the supremacy of Charter

⁵⁴ *Official Records of the General Assembly, Twenty-first Session, Supplement No. 9.*

obligations. It was said that this derived directly from Article 103 of the Charter, and that, without a provision relating to it, any formulation adopted by the Special Committee would be incomplete. Among the obligations of the Charter was the obligation to carry out its terms, even if that meant some deviation from obligations under other agreements.

562. One representative expressed the view that it could be inferred by analogy from Article 103 of the Charter that international treaties prevailed over national law. Another representative referred to the view expressed by Kelsen⁶⁶ that treaties between Members of the United Nations which were inconsistent with the Charter, if preceding the Charter, were abrogated by it, and, if subsequent to the Charter, were null and void. Attention was also drawn to an Article in the Covenant of the League of Nations corresponding to Article 103 of the Charter, and mention was made of similar clauses in the draft articles on the law of treaties prepared by the International Law Commission. It was further said that States had a duty not to invoke instruments which did not accord with the Charter.

563. Several representatives, however, did not consider that it was correct to infer from Article 103 that treaties between Member States containing provisions inconsistent with Charter provisions were necessarily invalid as a whole. They preferred a formulation which indicated, instead, the precedence accorded to Charter obligations.

C. DECISION OF THE SPECIAL COMMITTEE

1. Statement by the Chairman of the Drafting Committee

564. At the 50th meeting of the Special Committee, on 22 April 1966, the Chairman of the Drafting Committee reported to the Special Committee on the work of the Drafting Committee concerning the duty of States to fulfil in good faith the obligations assumed by them in accordance with the Charter and on the principle relating to co-operation among States. His statement on that occasion is contained in paragraph 452 above.

2. Decision

565. At its 52nd meeting on 25 April 1966, the Special Committee took note of a report by the Drafting Committee (see para. 567 below) that it had been unable to present an agreed formulation of the principle considered in the present Chapter (see Chapter IX below for the discussion of this report in the Special Committee).

3. Systematic survey of proposals

566. A systematic survey of the proposals on this principle which were referred to the Drafting Committee follows hereafter.

A. CONDUCT OF INTERNATIONAL RELATIONS

1. *Czechoslovakia* (A/AC.125/L.16, part VII, para. 2)

"2. Every State has the duty to conduct its international relations in accordance with the Charter of the United Nations and with the principles contained in the present Declaration".

⁶⁶ H. Kelsen, *The Law of the United Nations* (New York, Praeger, 1950).

2. *Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia* (A/AC.125/L.35, para. 3)

"3. Each State has the duty to conduct its international relations in accordance with the United Nations Charter and with the principles enunciated in the present Declaration".

B. COMPLIANCE WITH TREATY AND OTHER OBLIGATIONS

1. *Czechoslovakia* (A/AC.125/L.16, part VII, para. 1)

"1. Every State shall strictly observe the generally recognized principles and norms of international law and shall fulfil, in good faith, its obligations arising from international treaties freely concluded by it on the basis of equality and in conformity with the above principles".

2. *Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia* (A/AC.125/L.35, para. 3)

"1. Every State shall fulfil, in good faith, its obligations ensuing from international treaties, concluded freely and on the basis of equality, as well as obligations ensuing from other sources of international law".

3. *United Kingdom of Great Britain and Northern Ireland and United States of America* (A/AC.125/L.37, para. 2, A and B)

"2. In particular:

"A. (1) The obligations of treaties and other obligations of international law may not be lawfully avoided on grounds of incompatibility with either national law or national policy;

"(2) Upon the faithful performance of such obligations rests the right to exact and enjoy similar performance by others.

"B. States Members of the United Nations and its specialized agencies have the duty

"(1) to fulfil in good faith the obligations placed upon them by the constitution, rules of procedure, and mandatory decisions of those organizations, and

"(2) so to conduct their participation that the organizations themselves act in conformity with their constitutional rules of procedure and mandatory decisions and that the constitutional rights of other Members are not impaired".

C. COMPLIANCE WITH CHARTER OBLIGATIONS

United Kingdom of Great Britain and Northern Ireland, United States of America (A/AC.125/L.37, para. 1)

"1. Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter.

D. SUPREMACY OF CHARTER OBLIGATIONS

1. *Burma, Ghana, India, Madagascar, Nigeria, Syria, Lebanon, United Arab Republic and Yugoslavia* (A/AC.125/L.35, para. 3)

"2. Any treaty which is in conflict with the Charter of the United Nations shall be invalid, and no State shall invoke or benefit from such treaties."

2. *United Kingdom of Great Britain and Northern Ireland, United States of America* (A/AC.125/L.37, para. 2 C)

"C. Where obligations arising out of international agreements are in conflict with the obligations imposed upon Members of the United Nations by the Charter of the United Nations, the latter obligations shall prevail".

IX. Conclusion of the work of the 1966 Special Committee

A. FINAL REPORT OF THE DRAFTING COMMITTEE

567. At its fifty-second meeting, on 25 April 1966, the Special Committee considered the report of the Drafting Committee on the principle of non-intervention (see para. 353 above for the text of this report) and the following final report (A/AC.125/8) submitted by the Drafting Committee:

"In concluding its work, the Drafting Committee submits to the Special Committee the following observations:

"1. The Drafting Committee regrets that it has been able to present agreed formulations only on two of the seven principles referred to it.

"2. The debates in the Special Committee as well as in the Drafting Committee have greatly contributed to clarifying the problems at issue.

"3. The Drafting Committee established small informal working groups, one or another of which examined at length each of the seven principles.

"4. The intensive discussions in the Drafting Committee and its working groups have demonstrated that the differences between the various viewpoints have been materially reduced.

"5. Among the factors which hampered the achievement by the Drafting Committee of a greater measure of agreement was lack of sufficient time for additional deliberation and negotiation."

568. The remarks made by the Chairman of the Drafting Committee, introducing the report of the Drafting Committee on the principle of non-intervention to the Special Committee at its forty-seventh meeting on 16 April 1966, have been described in paragraph 354 above, of the present report. He introduced the final report of the Drafting Committee to the Special Committee at its fiftieth meeting on 22 April 1966. Apart from his comments on the work of the Drafting Committee concerning the principle of co-operation among States and the duty of States to fulfil their obligations in good faith—which are recorded in chapter VI, paragraph 452 above, of the present report—he said that the final report of the Drafting Committee spelled out in clear terms some of the vital observations which, it had been generally agreed, were called for at the conclusion of the Drafting Committee's work. The members of the Drafting Committee hoped that those observations would prove useful in the study of the various reports which the Drafting Committee had submitted.

B. STATEMENTS BY THE CHAIRMAN OF THE SPECIAL COMMITTEE AND BY THE REPRESENTATIVE OF LEBANON

569. The Special Committee decided to include verbatim in its report statements made at its fifty-second meeting, on 25 April 1966, by the Chairman of the Special Committee, and also by the representative of Lebanon who spoke on behalf of the non-aligned countries represented on the Committee. These statements are set out below.

570. Statement by the Chairman of the Special Committee:

As the representatives know, the Drafting Committee did not reach agreement on formulations of the first, fifth, sixth and seventh principles. On the third principle, relating to non-intervention, the Drafting Committee submitted a report (A/AC.125/5) stating that no agreement was reached on the additional proposals made with the aim of widening the area of agreement of General Assembly resolution 2131 (XX).

I feel compelled to state for the record of this Committee—since I made the suggestion on Saturday, 23 April 1966, which the Committee was kind enough to accept—that I consulted various delegations in order to reach an agreement on one principle. That relates to the fifth principle, namely, the duty of States to co-operate with one another in accordance with the Charter. I must confess that despite the somewhat peremptory nature of the title of this principle, the co-operative efforts of the members of the Special Committee to obtain a satisfactory formulation on this principle have been stultified, for the present. The history of this is a little too long. I would only say that the last proposition which I suggested to various delegations reads as follows—and this is purely for the in-

formation of the Committee and for the record. Paragraph 1 under this principle reads:

"States have the duty to co-operate with one another, irrespective of their different political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress and the general welfare of nations."

Paragraph 2 reads:

"To this end,

"(a) States shall co-operate with other States in the maintenance of international peace and security".

May I be permitted to skip paragraph 2 (b), which proved to be the contentious paragraph, and after I read the whole proposition I will explain the different formulations which were submitted to the delegations. Paragraph 2 (c) reads:

"States Members of the United Nations have the duty to take joint and separate action, in co-operation with the United Nations, in accordance with the relevant provisions of the Charter".

The last paragraph, paragraph 3, reads:

"States should co-operate in the economic, social and cultural fields, as well as in the field of science and technology, and for the promotion of international, cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries".

If I may revert to paragraph 2 (b), I suggested two formulations. The first one reads:

"States shall conduct their international relations in the economic, social, technical and trade fields in accordance with the principles of sovereign equality and non-intervention, with a view to ensuring the realization of international co-operation, free from discrimination based on differences in political, economic or social systems".

The second reads:

"States shall conduct their international relations in the economic, social, technical and trade fields in accordance with the principles of sovereign equality and non-intervention, with a view to realizing international co-operation, free from discrimination based on differences in political, economic and social systems".

To be brief, and also to point out the main differences, what is pinpointed is whether one should accept the words "ensuring the realization of" or the words "with a view to realizing".

I regret to report to the Committee that, for various reasons, certain members of the Committee found it difficult to accept one formulation or the other. I am sorry about that. We were very near agreement, but we could not agree on one or the other formulation. I am not laying the blame for this failure at the door of any delegation. Every delegation has co-operated with me and I am most grateful to all the delegations which tried to find a way to reach a compromise solution, as we did on the other two formulations upon which we agreed. Unfortunately, we could not reach an agreement on this one.

I have made this statement purely for information purposes and for the record of the Committee".

571. Statement by the representative of Lebanon.

The delegation of Lebanon thanks you deeply, Mr. Chairman, for the information which you have been kind enough to give to the Special Committee on the principle relating to international co-operation. It was a sad moment when we learned that your efforts and the efforts of those who participated with you on all sides did not bring this item to a fruitful conclusion.

As you well know, Sir, we have been aware of the tremendous and strenuous efforts which you have been undertaking day and night in order to conclude the consideration of this principle. This fact did not escape either the eyes or the ears, or for that matter the hearts, of the non-aligned countries.

In view of the failure of the Special Committee to reach an agreement on this principle, and in the light of the statement you made, I have the privilege and the honour to make the following statement on behalf of the non-aligned countries.

The delegation of Lebanon, on behalf of the delegations of the non-aligned countries represented in this Special Committee, namely, the delegations of Algeria, Burma, Cameroon, Dahomey, Ghana, India, Kenya, Lebanon, Madagascar, Nigeria, Syria, the United Arab Republic and Yugoslavia, wishes to place on record the following statement.

We have witnessed with considerable regret the recent turn of events regarding the draft formulation of the principle of international co-operation. As representatives are well aware, strenuous efforts have been made by various delegations during the past week with a view to reaching a compromise formulation on this principle satisfactory in essence to all. It seems to us that, at least on this principle, we were very close to arriving at such a formulation. The last-minute failure in this respect must, therefore, be a source of profound regret to all of us, especially when we consider the importance of the work we are engaged in.

We do not propose to pass judgement on any delegation or delegations in this connexion. However, on behalf of the non-aligned delegations, including my own, we wish to state the following.

First, no one can dispute the express terms of reference of resolution 2103 (XX). That resolution, which contains our mandate, clearly certifies that the Special Committee has the right to resort to the normal rules of procedure of the General Assembly, which include, *inter alia*, the voting procedure. The meaning of this provision and the reason for which it was included in resolution 2103 (XX) are also well known to all of us, and I need not dwell on them. It was specifically included in order to ensure that the Special Committee's right to resort to the voting procedure should not be challenged by anyone.

Second, in spite of this clear mandate the non-aligned delegations have exercised the utmost restraint and have, on several occasions, willingly modified their original positions in order to facilitate general agreement in the Special Committee as well as in the General Assembly. They have not sought to utilize their comparative majority in the Special Committee, and have refrained up until now from resorting to a vote.

The recent developments in connexion with this principle have demonstrated, in our view, the difficulties which might arise if the attempt to attain general agreement were pursued to such lengths that, in the final analysis, one State could exercise a veto power over the Committee's work. That is not, in our understanding, how this principle should work. The attempt to secure general agreement does not mean the imposition of the unanimity rule and, ultimately, the imposition of the will sometimes of a small minority on an overwhelming majority, as the case might develop within the Committee in the light of the consideration of these items.

It should be based on the willingness of all concerned to strive for common ground, which should not be impeded by what appears to be a matter of semantics. In any event, we consider it extremely regrettable that our work should have been hampered by such considerations which, as far as we can see, do not go to the real substance of the matter.

We indicated earlier the restraint exercised by the non-aligned countries in not availing themselves of the powers at their disposal. We will continue to exercise such restraint and will not seek at this late stage to resort to our undoubted right to ask for a vote on this question. However, we should like to state unequivocally that, under the circumstances, it would not be conducive to the progress of our task to adhere to the method of seeking general agreement. We feel that, as manifested in the work of the Committee, the method of seeking general agreement tends to distort the real value to be attached to the various positions, besides landing us in the kind of difficulties to which I have just now referred.

The non-aligned countries would like to make their position abundantly clear on this question and on other questions which the Committee had to consider during its present session, namely, that at the forthcoming session of the General Assembly the work which was supposed to be concluded by the Special Committee shall not be hampered by rigid positions taken by one or another delegation.

Having as their objective the early formulation and adoption of the declaration, the non-aligned delegations undertake to resort to the voting procedure in the General Assembly, and in future meetings of the Special Committee if such meetings should be decided upon, in order to ensure the realization of that objective.

On behalf of the non-aligned countries I wish to say, further, that the pressure of time under which we were working did not make it possible for us to contact our friends from the Latin American Group in order to co-ordinate efforts with them and to take a joint position on what we can qualify easily as the latest sad development in the work of this Committee. We hope that this will not be interpreted as a lack in readiness to co-operate with them but as a last minute failure in co-ordination due to lack of time. As a matter of fact, we have been co-operating together throughout the work of the Special Committee and we on our part have appreciated this co-operation. We do hope that they will forgive, particularly, the delegation of Lebanon which was supposed to ensure such co-ordination, for its failure to do so, and that they will be in a position to pronounce themselves along the same lines taken by the non-aligned delegations."

C. DEBATE

572. In the debate on the final report of the Drafting Committee (see para. 567 above), and on its report on the principle of non-intervention (see para. 353 above), those representatives who participated not only commented on these reports, but also made general remarks on the work of the Special Committee. These comments and remarks are recorded below in the order in which representatives spoke at the fifty-second meeting.

573. The representative of the United Kingdom recalled, with reference to the report of the Drafting Committee on the principle of non-intervention that on 18 March 1966 his delegation had voted against the resolution on non-intervention (see para. 341 above) for reasons which it had made amply clear at that time. His delegation would wish to reaffirm the position which it adopted during the Special Committee's debate on the principle of non-intervention, with particular reference to its attitude towards General Assembly resolution 2131 (XX), it would be recalled that his delegation had abstained during the vote on that resolution at the twentieth session of the General Assembly. His delegation accepted the final report of the Drafting Committee in its present form but regretted that agreement had been reached on only two of the seven principles. He wished, in particular, to endorse the ideas expressed in paragraphs 4 and 5 of that document. With regard to the Chairman's statement concerning the duty to co-operate, he paid tribute to the great efforts which had been made by the Chairman personally to help the Committee find a wording satisfactory to all. The difficulties which had arisen mainly concerned paragraph 2 (b). There would have been a greater chance of success if certain members of the Committee had insisted less on that particular point. It was the view of his delegation that principles of an economic nature, such as that relating to discrimination, should be pursued in the appropriate economic bodies within the United Nations family. In so far as the wording of the various formulae seemed to resemble general principle 2 adopted at the United Nations Conference on Trade and Development,⁵⁶ it would be recalled that his delegation had abstained in the vote on that prin-

⁵⁶ *Proceedings of the United Nations Conference on Trade and Development*, vol. I, *Final Act and Report* (United Nations publication, Sales No.: 64.II.B.11).

ple. His delegation had been willing to give serious consideration to the various compromise texts proposed by the Chairman and others in relation to paragraph 2 (b) but, unfortunately, it had not been possible to achieve general agreement. His delegation had taken note of the statement by the representative of Lebanon and appreciated the restraint exercised by the non-aligned countries in not pressing for a vote. In the view of his delegation there was no reason to suppose that a vote would have led to better results. International law was not made by majority vote. The method of proceeding by general agreement, although slow and, at times, frustrating, was the best method.

574. The representative of Italy said that he wished to comment on a few points arising from the Lebanese representative's statement. It was not his intention to discuss whether or not the Special Committee was entitled, under General Assembly resolution 2103 (XX), which defined its terms of reference, to resort to voting. The Committee might be so entitled but the more important question was how that procedure would help the debate. He was convinced that a distinction should be made between substantive and procedural matters. On matters of procedure, voting would not be detrimental to the Committee's work, but on matters of substance, the particular nature of the task entrusted to the Committee by the General Assembly should be borne in mind. Since that task was to codify the principles of international law, the majority vote procedure might not be in the interest of the United Nations or of the international community. That view was based on his belief that the debates both at Mexico City in 1964 and at the present session indicated that the area of agreement on the seven principles could be further widened either in the Special Committee itself or in any other body of a similar nature by the method of consensus and that such a result could be achieved more easily if the Committee improved its working methods from the technical standpoint. On the other hand, voting would not help and might even hinder progress.

575. The representative of France, commenting on the report of the Drafting Committee on the principle of non-intervention (see para. 353 above), recalled the statements made by his delegation during the debates on the principle of non-intervention. When France had voted in the General Assembly for the adoption of resolution 2131 (XX), it had done so because it wished to see intervention in the domestic affairs of States condemned. His delegation would not go back on its vote but simply wished to reiterate its view that the resolution was in no way intended to be a juridical statement of the principle of non-intervention and that owing to its general character, a legal definition was essential. That task had been entrusted to the Special Committee. Had the Committee been able to give precision to what had been left vague in resolution 2131 (XX) it would have fulfilled its mandate. It could not be used simply for recording views. In the circumstances, it was best that the matter should be taken up again at the twenty-first session of the General Assembly. Turning to the statements of the Chairman and the Lebanese representative, he too regretted that agreement was so limited. However, there was no point in expressing more regret than the circumstances warranted. It was a pity, of course, that the efforts of both the Chairman of the Special Committee and the Chairman of the Drafting Committee to narrow divergencies were not recorded in the Special Com-

mittee's report and that that report also failed to indicate the procedures used in the search for agreement. All in all, however, the present report and that of Mexico City (A/5746) would together form a very useful compendium for those who would take up the work where the Committee had left off. France, as much as any other country, favoured constructive compromises and it was in that area that the *raison d'être* of an agreement should be sought. The fact that the search for a compromise had its limits should cause no regrets, as there was a point beyond which a too skilfully drafted text could be very dangerous and words were liable to various interpretations. There should be no regret, therefore, that the Committee had escaped that danger. Lastly, he considered that the Special Committee had left pointers to what might be the components of an eventual consensus and its efforts, therefore, had not been in vain.

576. The representative of Australia said that the Chairman's statement concerning the work on the principle of co-operation among States was equally applicable to the other principles to which the working groups had devoted such effort. The lack of agreement on the wording of that principle was only one of a number of instances in which discussions had not led to a narrowing of differences between the various viewpoints. His delegation, in order to avoid any misunderstanding, wished to state that in its view no one had attempted, in the course of the Special Committee's work, to question the terms of reference defined in resolution 2103 (XX) or the Committee's right to resort to the voting procedure whenever it deemed it appropriate to do so. Like the French representative, he agreed with the Lebanese delegation that the efforts to reach a consensus could have been successful only if there had been a willingness to make concessions on all sides. It was a fact, and paragraph 4 of the conclusions of the Drafting Committee (see para. 567 above) confirmed it, that as a result of the discussions viewpoints that had originally been very far apart had been brought closer together. Nevertheless, there was a stage in that process at which it was no longer possible to reach a compromise. Beyond that stage, it was to be feared that any further concessions would only lead to a bad law. If, as the Lebanese representative had assumed, efforts on the principle of co-operation had broken down on a matter of pure semantics his delegation deeply regretted it. In the consideration of other principles, however, the points at which efforts at a compromise had failed concerned substantive matters which were sometimes of very great importance. It was therefore legitimate to suppose that the same would have happened in the consideration of the principle of co-operation but for the outstanding efforts which had been devoted to that principle. His delegation was not in the least ashamed at the results of the Special Committee's work, as the obstacles which had been encountered were clearly indicated in the final report of the Drafting Committee (see para. 567 above). As regards the principle of non-intervention, his delegation had stated in the General Assembly and in the Special Committee that it was not in a position to accept General Assembly resolution 2131 (XX) as a final legal text.

577. The representative of the USSR said that he endorsed the Drafting Committee's conclusions and, in particular, shared its regret that only two principles had been formulated in a way that was acceptable to all. His delegation fully supported the statement made

by the representative of Lebanon on behalf of the delegations of the non-aligned countries. In particular, it agreed with him in attaching great importance to the fact that resolution 2103 (XX), which defined the Special Committee's terms of reference, empowered it to take votes; the reasons why the Committee had been given that power were clear to all those who had taken part in the 1964 session or in the debate on the draft resolution in the Sixth Committee, and to those who had read the records of those meetings. His delegation, for its part, had done everything it could to permit the formulation of the principles under consideration in conformity with the task of codification entrusted to the Special Committee. A certain tendency to interfere with the orientation of the Committee's work had become apparent on several occasions, and reference had already been made to it during the session. Although it had long been obvious and recognized that the principles of international law should be universal, some representatives had tried to limit that universality; for example, by making some of the principles applicable to States Members of the United Nations only. That attitude was certainly not consistent with the task entrusted to the Committee by the General Assembly. Efforts had also been made to divert the Special Committee from the objectives set forth in Article 13 of the Charter and to lead it back to the past by preventing it from taking into account social and legal developments which could not be ignored in the task of codifying international law. For example, when the principle of self-determination had been considered, an effort had been made to return to positions antedating the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960) which represented an important United Nations contribution to the development of international law. Similarly, during the consideration of the principle of co-operation among States, it was not the meaning of the words which had proved a stumbling block to the jurists of the Special Committee: an attempt had been made to ignore the principle prohibiting discrimination in trade, which had been clearly established by the Geneva Conference on Trade and Development. Furthermore, on several occasions, practical political considerations had unfavourably influenced the Committee's work, particularly with regard to the principle that obligations should be fulfilled in good faith, which was now being violated by the use of force, despite the obligations assumed. Despite the difficulties encountered, he felt the universalist tendency had prevailed and that the results of the Special Committee's work represented progress towards the adoption of a Declaration concerning the principles which had been studied.

578. The representative of Czechoslovakia said that his delegation had taken part in the session with the firm intention of doing everything it could to enable the Committee to comply with the terms of reference given it by the General Assembly; to that end it had submitted a draft declaration and taken part in the negotiations undertaken with a view to reaching agreement. Although agreement had been reached on the formulation of two principles only, the Committee had unequivocally agreed that the General Assembly's Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (resolution 2131 (XX)) was a valid basis for the legal principle of non-intervention. His delegation regretted that it had not proved

possible to reach agreement at the last moment on the principle of co-operation and the principle that obligations should be fulfilled in good faith, especially since the Special Committee had been very close to reaching an acceptable formulation of those principles. In his view, the negative result was due above all to the tenacious efforts which had been made to reduce the scope and importance of the principle considered. One of the session's positive results was the comparison of the many proposals submitted concerning the various principles under consideration, which provided an accurate picture of the main trends of international law and in particular those which reflected the progressive development of the principles under consideration. The latter had been supported by the majority and that was an important step forward.

579. The representative of Canada said that, in trying to formulate in seven weeks the seven principles before it, the Special Committee had set itself a very ambitious goal and it was not surprising, therefore, that it had been unable to attain it completely. However, there was no cause for discouragement; on the contrary. The great efforts made by the Drafting Committee had done much to clarify the various positions, and the exchanges of views had been very thorough and profitable. Although it was not always clear from the official records, the Committee had succeeded in working out the points on which future efforts should be concentrated. His delegation hoped that the results achieved by the Committee would not be wasted but would be passed on to those who continued its work. The Special Committee had reached general agreement on partial formulations of two principles. The scope of the agreement on the principle of sovereign equality was hardly any wider than that agreed on at Mexico City in 1964, but it should be stressed that it was based on a much more thorough consideration of the principle. His delegation had already expressed its views on the principle of the peaceful settlement of disputes; it was glad that the members of the Committee had been able to agree on a formulation, but pointed out that the latter was not exhaustive and lacked certain key elements which it would have liked to see included. The Drafting Committee had also carefully considered the principle of non-intervention. Its members had spared no effort to broaden the scope of the agreement reached in resolution 2131 (XX), and several supplementary proposals had been submitted and considered. He hoped that those proposals would be available to the body that would continue the work on that principle. In both the First Committee and the Special Committee, his delegation had had occasion to state that it had supported resolution 2131 (XX) as a statement of the political conviction and will of the General Assembly, but that it had never intended that the Committee should not carefully consider that resolution from a legal point of view in order to reformulate it in appropriate terms.

580. The representative of the United States considered that the current session of the Special Committee was in no sense ending in failure. The fact that agreement had been reached on the legal formulation of two principles was in itself a considerable success. Moreover, when one considered that the members of the Committee had come very close to agreement on the other five principles, the conclusion that its work had been most constructive was justified. With regard to the Drafting Committee's report on the principle of non-intervention (see para. 353 above), the United States delegation

wished to reaffirm the position it had taken on the resolution of 18 March 1966 (see para. 341 above) regarding the possibility of accepting General Assembly resolution 2131 (XX) as the Special Committee's legal text on the principle of non-intervention: the United States still considered resolution 2131 (XX) a political decision which should be framed in terms of legal principles. He regretted that it had not been possible to achieve agreement on the principle of co-operation. His delegation had been prepared to consider all—and to accept some—of the formulations proposed, on the assumption, of course, that general agreement could be achieved. The fact that the efforts made had not met with success should not be seen as a failure and no member of the Special Committee had failed to show a spirit of co-operation in the matter. In conclusion, he drew attention to the wisdom of the attitude adopted by the non-aligned countries. The restraint they had demonstrated was fully justified. The slowness with which results were achieved by the method of general agreement might well give rise to impatience but those results had a value far greater, when questions of international law were involved, than that of results achieved by merely recording majority opinion.

581. The representative of Venezuela said he believed that the Special Committee had made good use of the time available to it. He saw no reason for pessimism regarding the limited results achieved, for the codification of international law was an arduous and lengthy task. Despite substantial political differences, all had clearly shown good faith and there was justification for the hope that the aim would one day be achieved. Venezuela had already indicated that it was prepared to alter the position it had adopted at Mexico City in 1964, if that would help to bring points of view closer together.

582. The representative of the United Arab Republic said that his delegation endorsed the final report of the Drafting Committee (for text, see para. 569 above). The work of the Committee could hardly be described as either a failure or a success. The criterion for success was not the endeavour to achieve the impossible, or even the probable, but to achieve the possible. Agreement had been reached on the principle of sovereign equality and on the principle of the peaceful settlement of disputes: that was an achievement, as was the adoption of the resolution of 18 March (see para. 341 above), in which the Committee had, in very clear terms, affirmed its acceptance of General Assembly resolution 2131 (XX). In the case of the other principles, it should, in his opinion, have been possible to make progress on the principles of co-operation and good faith, yet the Committee had been unable, in the end, to agree on the formulation of those two principles. The Committee and the General Assembly should therefore make a special effort to determine the reasons for that failure. To that end, some of the working methods

that had been used in the Committee should be examined and evaluated, with special emphasis on the current tendency to abandon the arrangements laid down in the General Assembly's rules of procedure and substitute for them the method of informal negotiations. His country had always favoured negotiation and consultation as a means of reaching agreement, but that method should not be made to prevail to such an extent that the arrangements provided by those who had drawn up the rules of procedure and the Charter were paralysed. With regard to the consensus method, his delegation had always felt that every effort should be made to achieve such agreement—and it was in that belief that it had participated both formally and informally in the work of the Drafting Committee—without any prejudice to the application of the rules of procedure. Two factors had obstructed the method of general agreement: the tendency of some delegations not to support general agreements previously reached, and some delegations' mistaken impressions of that method. Those delegations had tended to use the negotiations as a means of vetoing the general will of the other delegations. The Committee and the General Assembly would have to take those two factors into account when they came to decide on the working method to be adopted in the future.

583. The representative of Mexico, referring to the Drafting Committee's report on the principle of non-intervention (see para. 353 above), said that during the discussion of that principle her delegation had stated that it might be preferable not to attempt a new formulation, since the declaration in resolution 2131 (XX) represented the widest possible measure of consensus, as the long and difficult negotiations which had been required to achieve agreement proved. Since it had not been possible to broaden the scope of the agreement achieved in resolution 2131 (XX) her delegation wished to reaffirm that, in its opinion, by virtue of the number of States which had voted in its favour, the scope and profundity of its contents and, in particular, the absence of opposition, resolution 2131 (XX) reflected a universal legal conviction which qualified it to be regarded as an authentic and definite principle of international law. She also regretted that the Committee had been able to reach agreement on only two principles. The discussions to which the other principles had given rise had been useful, however, and she hoped that in the near future, in more favourable circumstances, agreement would be achieved on all of them.

D. DECISION OF THE SPECIAL COMMITTEE

584. At the conclusion of its fifty-second meeting the Special Committee decided to take note of the final report of the Drafting Committee (for text, see paragraph 567 above) and its report on the principle of non-intervention (for text, see paragraph 353 above).

ANNEX I

Membership of the 1966 Special Committee

Country	Representative	Alternates	Advisers
Algeria	Mr. Tewfik Bouattoura	Mr. Khalfa Mammeri	
Argentina	Mr. José María Ruda	Mr. Raúl A. Y. Quijano Mr. Carlos A. Goñi Demarchi	Mr. Rafael M. Gowland
Australia	Sir Kenneth Bailey	Mr. M. J. McKeown	

ANNEX I (continued)

Membership of the 1966 Special Committee (continued)

Country	Representative	Alternates	Advisers
Burma	U Tun Win	U Ba Thaug Major Thaug Lwin	
Cameroon	Mr. Paul Bamela Engo	Mr. F. Nkwain	
Canada	Mr. M. H. Wershof Mr. A. E. Gottlieb	Mr. D. M. Miller	Miss M. A. Macpherson
Chile	Mr. Fernando Albónico	Mr. Javier Illanes Mr. Uldaricio Figueroa	
Czechoslovakia	Mr. Vrástlav Pěchota	Mr. Miroslav Potočný Mr. Vladimír Prusa	
Dahomey	Mr. Louis Ignacio-Pinto		
France	Mr. Philippe Monod	Mr. Jean Noël de Bouillane de Lacoste	
Ghana	Mr. William Waldo Kofi Vanderpye		
Guatemala	Mr. Humberto Vizcaino Leal Mr. Rodolfo Rohrmoser Valdeavilcano		
India	Mr. K. Krishna Rao	Mr. Brajesh C. Mishra Mr. S. N. Sinha	Mr. J. J. Therattil
Italy	Mr. Gaetano Arangio Ruiz		
Japan	Mr. Tamio Amau	Mr. Ribo Hatano	Mr. Mitsuo Watanabe
Kenya	Mr. I. S. Bhoi		
Lebanon	Mr. Souheil Chammas		
Madagascar	Mr. Louis Rakotomalala Mr. Alexandre Rakotondrainibe	Mr. A. Ramaholimihaso	Mrs. Lucile Ramaholimihaso
Mexico	Mr. Francisco Cuevas Cancino	Mr. Joaquín Mercado Miss Elisa Aguirre	
Netherlands	Mr. W. R. Phagen	Mr. P. H. J. M. Houben	
Nigeria	Mr. B. C. Odogwu		
Poland	Mr. Zbigniew Resich Mr. Eugeniusz Wyzner	Mr. Andrzej Olszowka	
Romania	Mr. Alexandru Bolintineanu	Mr. Ion Covaci Mr. Vasile Tiliuca	Mr. Iftene Pop
Sweden	Mr. Hans Blix	Baron Carl Rappe	Mr. Jan Romare
Syria	Mr. George J. Tomeh	Mr. Adnan Nachabe	
USSR	Mr. P. D. Morozov	Mr. A. P. Movchan Mr. Y. D. Ilyin	
United Arab Republic	Mr. El Sayed Abdel Raouf El Reed Mr. Mahmoud Aboul Nasr		
United Kingdom of Great Britain and Northern Ireland	Mr. I. M. Sinclair	Mr. H. G. Darwin Mr. J. L. Y. Sanders Mr. P. J. S. Moon	
United States of America	Mr. James M. Nabrit, Jr.	Mr. John L. Hargrove	Mr. Gerald B. Helman Mrs. Carmel C. Marr Mr. Robert B. Rosenstock Miss María Clemencia López
Venezuela	Mr. Armando Molina Landaeta	Mr. Gilberto Carrasquero	
Yugoslavia	Mr. Milan Šabović	Mr. Dragoslav Pejić	

ANNEX II

List of background documentation

GENERAL ASSEMBLY DOCUMENTS

Resolutions 1815 (XVII), 1966 (XVIII), 1967 (XVIII), 2103 (XX)

General Assembly Official Records, Annexes:
Seventeenth session, agenda item 75—(see, in particular, A/5356, report of the Sixth Committee)

Eighteenth session, agenda item 71—(see, in particular, A/5470 and Add.1-2, comments received from Governments, and A/5671, report of the Sixth Committee)

General Assembly Records, Sixth Committee, Summary Records:

Seventeenth session, 753rd-774th, 777th meetings
Eighteenth session, 802nd-825th, 829th, 831st-834th meetings
Twentieth session, 871st-893rd, 898th meetings

General Assembly Official Records, plenary meetings, Verbatim Records:

Seventeenth session, 1196th meeting
Eighteenth session, 1281st meeting
Twentieth session, 1404th meeting

A/5725 and Add.1-7 Comments received from Governments

A/5689, A/5727 Notes by the Secretary-General [on the appointment of the 1964 Special Committee]

- A/5746 Report of the 1964 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States
- A/5763 Letter dated 28 October 1964 from the Permanent Representative of the United Arab Republic to the United Nations, addressed to the Secretary-General
- A/5865 Letter dated 26 January 1965 from the Deputy Permanent Representative of Morocco to the United Nations, addressed to the Secretary-General
- A/5757 and Add.1 Letters dated 9 October and 10 October 1964 from the Permanent Representative of Madagascar to the United Nations, addressed to the Secretary-General
- A/5937 *Note verbale* dated 20 July 1965 from the Permanent Representative of Madagascar to the United Nations, addressed to the Secretary-General
- A/6165 Report of the Sixth Committee (twentieth session)
- DOCUMENTATION OF THE 1964 SPECIAL COMMITTEE ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES (MEXICO CITY, 27 AUGUST-1 OCTOBER 1964)
- A/AC.119/1-7 Agenda, membership, plan of work, resolution establishing a Drafting Committee, Note from the Permanent Mission of the USSR addressed to the Secretary-General
- A/AC.119/L.3-35 Proposals, amendments, working papers and documents, draft resolutions, draft report, list of basic documentation
- A/AC.119/SR.1-43 Summary Records
- DOCUMENTATION PREPARED BY THE SECRETARIAT
- A/AC.119/L.1 Systematic summary of the comments, statements, proposals and suggestions of Member States in respect of the consideration by the General Assembly of [the first four] principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations
- A/AC.119/L.2 Summary of the practice of the United Nations and of views expressed in the United Nations by Member States in respect of four of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations
- A/C.6/L.537/Rev.1/Corr.1 and Add.1 Selected background documentation and bibliography
- DOCUMENTATION RELATING TO THE QUESTION OF NON-INTERVENTION CONSIDERED BY THE FIRST COMMITTEE AT THE TWENTIETH SESSION OF THE GENERAL ASSEMBLY
- Resolution A/RES/2131 (XX)/Rev.1
- A/6220 Report of the First Committee to the General Assembly
- A/C.1/SR.1395-1405, 1420, 1422
- A/C.1/PV.1395-1405, 1420, 1422
- DOCUMENTATION RELATING TO THE QUESTION OF PEACEFUL SETTLEMENT OF DISPUTES CONSIDERED BY THE SPECIAL POLITICAL COMMITTEE AT THE TWENTIETH SESSION OF THE GENERAL ASSEMBLY
- A/6187 Report of the Special Political Committee to the General Assembly
- A/SPC/SR-489-492

DOCUMENTS A/6373 AND ADD.1

Comments received from Governments of Member States

DOCUMENT A/6373

[Original text: English]
[9 August 1966]

NOTE BY SECRETARY-GENERAL

1. In resolution 2104 (XX) entitled "Question of methods of fact-finding", adopted on 20 December 1965, the General Assembly invited Member States to submit in writing to the Secretary-General, before July 1966, any views or further views they might have on this subject in the light of the reports of the Secretary-General (A/5694 and A/6228) and the relevant chapter of the report of the 1964 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States.¹

2. The comments of the Governments of the Netherlands and Poland are circulated herewith. No other comments have been received from Member States.

NETHERLANDS

A number of considerations and suggestions are given below regarding the institutional aspects of the question of fact-finding.

¹ Official Records of the General Assembly, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, chap. VII.

A. PERMANENT ORGAN OR PANEL

A permanent organ is to be preferred to a panel. The advantage of a permanent organ is that it can accumulate experience; the drawback of a panel is that agreement has first to be reached on the selection of *ad hoc* commissioners. A permanent institution is therefore more likely to be able to operate swiftly and effectively—a factor which, it is to be hoped, will reduce any diffidence that might exist about having recourse to such a body.

B. PRINCIPLES

The proposed fundamental rules for a permanent fact-finding organ are based on three principles prompted by the present imperfect state of international relations:

1. The organ should *supplement* the function of existing institutions.

As can be seen from the second study by the Secretary-General of the United Nations entitled "Methods of fact-finding with respect to the execution of international agreements" (A/6228), various inter-governmental organizations already have their own procedures for examining facts in specific spheres. The new organ must not detract from the existing possibilities, but must complement them.

2. The co-operation of States should be *voluntary*. This aspect of free will is twofold. First, the organ should institute inquiries only when requested to do so. Secondly, States not themselves submitting a request should as a rule be free to limit their co-operation in the inquiry or to withhold it altogether. The principle of voluntary co-operation has underlain United Nations action on many occasions, notably in the Secretary-General's investigations and peace-keeping actions.

3. The means the organ employs in the discharge of its functions must be *flexible*.

C. FUNDAMENTAL RULES

A number of rules, based on these principles, are formulated below:

Aims

1. The organ's terms of reference would have to be limited to the establishment of facts.

Remarks:

In this limited and fairly readily circumscribed area there is a gap which it would doubtless benefit the international community to fill.

Although the ascertainment of a fact is not always easy to separate from the evaluation thereof, it is apparent from earlier inquiries that the inquirers manage to keep within proper limits.

The international community already has so many organs for mediation, conciliation, arbitration and judicial settlement that there is no immediate need for the establishment of new international bodies in those fields.

Function

2. The services of the organ could be used for the establishment of facts:

(a) Concerning disputes, and consequently as a means towards their peaceful settlement;

(b) Relevant to the execution of international agreements;

(c) Required for informational purposes in the taking of decisions at international level.

Remarks on sub-paragraph (a):

The discharge of a function of this nature would mean the institutionalization of the Hague Convention of 1907 for the Pacific Settlement of International Disputes, which contained rules for the use of international commissions of inquiry.² While the question of fact-finding was under discussion in the General Assembly, a number of delegations proved to be particularly interested in the development of fact-finding as a means towards the settlement of disputes.

Remarks on sub-paragraph (b):

The exercise of this function could be of use to the community of States in various respects.

The ascertaining of facts may be instrumental in preventing disputes. Not only may the refutation of alleged facts remove tensions, but the possibility of an early ascertainment of facts may help to prevent neglect of obligations. This function was the subject of the second study already mentioned prepared by the Secretary-General as a supplement to the 1964 study.³

² See *The Hague Conventions and Declarations of 1899 and 1907*, edited by J. B. Scott (New York, Oxford University Press, 1915), pp. 45-55.

³ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 91, document A/5694.

Remark on sub-paragraph (c):

This function covers the need for reporting on situations or circumstances being dealt with by an international body within the scope of its competence, and may relate to various matters, which need neither issue from disputes nor be concerned with the execution of international obligations.

Composition

3. The organ would have to take the form of a standing body, composed of independent persons of high moral standing and acknowledged impartiality, designated for a specified period. Fifteen members would seem to be a suitable number. Membership of the organ need not preclude the discharge of other functions.

Remarks:

Various alternatives are conceivable as regards the actual composition of the organ. The drafters of the present document had a body of part-time members in mind.

Their qualification as persons "of high moral standing and acknowledged impartiality" is derived from the "International Convention on the Elimination of All Forms of Racial Discrimination" (General Assembly resolution 2106 (XX) of 21 December 1965).

Assuming that the organ had the facts investigated by outside experts (see para. 6 below), there might well be a case for limiting the membership of the organ. However that may be, the present practice of the United Nations indicates the designation of fifteen persons, thus enabling the principle of equitable geographic distribution of membership to be observed. If it is decided to establish the organ by a resolution of the General Assembly (see para. 9 below), the Assembly could elect the members, on the recommendation of the Secretary-General, or lay down directives and criteria for membership and authorize the Secretary-General to designate the members.

Furthermore, provision could be made to enable the organ to form chambers from among its members, on the analogy, *inter alia*, of Articles 26 to 29 inclusive of the Statute of the International Court of Justice. For the mandate issued to the organ (see 4 below) might contain a request that the matter be dealt with by a chamber, to expedite its execution or for other reasons. The composition of the chambers and the decision whether a specific mandate shall be dealt with by a specific chamber are, however, matters to be left to the organ's own discretion.

Availability

4. The organ should be placed at the disposal of:

(a) the United Nations and the specialized agencies;

(b) two or more States.

Remark on sub-paragraph (a):

In this connexion reference is made to article 3 of the annex to General Assembly resolution 268 D (III), instituting the "Panel for Inquiry and Conciliation", which reads: "The panel shall be available at all times to the organs of the United Nations...".

Remarks on sub-paragraph (b):

The institutionalization of the Hague Convention of 1907 would mean that two States could by special agreement arrange to have established the contested

facts relating to any dispute that might arise between them.

The second paragraph in article 10 of the Hague Convention of 1907 states that "the inquiry convention defines the facts to be examined...".

Consideration might be given to including in the organ's statute a stipulation to the effect that an inquiry ordered by States be stopped or suspended by a mandate relating to the same facts from the Security Council or the General Assembly.

Terms of reference

5. The terms of reference of the organ should be determined by its statute and by the mandate issued to it for each separate inquiry. The appraisal of the scope of the terms of reference should be left to the organ itself.

Remark:

This rule implies that the organ may refuse a mandate if, in its opinion, the mandate falls outside the general scope of the terms of reference as defined in its statute.

Procedure

6. The initiative to institute an inquiry should rest not with the organ but solely with States or inter-governmental organizations. On the other hand, the determination of the means, methods and procedures for fact-finding would have to be left to the organ.

Remarks:

That the initiative may rest only with States or organizations is an immediate consequence of the rule formulated in paragraph 4 above, whereby only States or inter-governmental organizations have access to the organ's services. An important factor in connexion with the choice of means and methods is that the organ be able to engage the services of experts in a specific specialized field. In doing so, they can be guided by Article 50 of the Statute of the International Court of Justice: "The Court may at any time entrust any individual, body, bureau, commission or other organization that it may select, with the task of carrying out an inquiry or giving an expert opinion." By designating certain persons as experts or rapporteurs, and by adopting their reports, the organ would be able to invest the information obtained with the necessary authority. Naturally, witnesses could be heard and information requested from States and organizations.

An appropriate procedure for dealing with a mandate—where necessary allowing for the States or organizations issuing the mandate to be heard before the actual working methods are determined—is particularly important in cases where the inquiry is connected with the settlement of a dispute.

Facilities

7. The granting of admission to the territory and of other facilities needed for the execution of a fact-finding mandate would as a rule be mentioned or implied in the inquiry agreement between the States concerned.

In case of need voluntary co-operation would have to be secured, subject to the provisions of the Charter of the United Nations, from third States or—where the inquiry is ordered by an organization—from the States concerned. The customary privileges and immunities could be adopted *mutatis mutandis* from the existing regulations for the United Nations system.

Remarks:

The facilities needed for the investigation should be provided voluntarily. In certain cases an organ of the United Nations can, in pursuance of the Charter, impose an obligation to co-operate.

For the rest, the organ can be guided by article 9 of the aforementioned annex to General Assembly resolution 268 D (III), which reads: "Subject to any determinations that may be made by the United Nations organ concerned or by the parties to a controversy in constituting commissions under articles 3 and 4 respectively, commissions constituted under these articles may meet at the seat of the United Nations or at such other places as they may determine to be necessary for the effective performance of their functions." Article 7 refers to the General Convention on the Privileges and Immunities of the United Nations. Article 20 of the Hague Convention of 1907 is also relevant. It reads as follows: "The commission is entitled, with the assent of the Powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry." Finally, the first paragraph of article 23 of the same Convention may be quoted: "The *parties* undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question."

The report

8. With respect to the report on the findings it would have to be stipulated that the report must be adopted by the organ by a majority vote and that it must make mention of any differences of opinion of members who so wish.

Remark:

Article 30, paragraph 2, of the Hague Convention also provides that decisions shall be taken by a majority vote. On the whole, it would be advisable that the document should neither mention majority votes nor be accompanied by minority reports. It is conceivable, however, that opinions may differ among members as to the incontestability of a fact. Certain members may for instance be of the opinion that the inquiry is incomplete. In that event it may be useful for the initiators of the inquiry to acquaint themselves with the differing views. This is especially important if the fact-finding mandate was issued by an international organization.

Establishment

9. The organ could be established and its statute adopted by a resolution of the General Assembly of the United Nations.

Remark:

Although various modes of establishment are conceivable, such as by a proposal of the International Law Commission or a diplomatic conference, establishment by a resolution of the General Assembly would appear to be the most appropriate (cf. the Statute of the International Law Commission). This has also the practical advantage that the organ would be at the immediate disposal of United Nations Members.

POLAND

8 August 1966

The Government of Poland supports all means of peaceful settlement of international disputes, including

the methods of fact-finding, which are not contradictory to the principle of sovereignty of States and which do not interfere in matters within their domestic competence.

DOCUMENT A/6373/ADD.1

[Original text: English]
[2 November 1966]

NETHERLANDS

Additional comments

1 November 1966

The question of the desirability and practicability of establishing a permanent United Nations organ for fact-finding, as a means of promoting friendly relations among States, was first suggested by the Netherlands at the seventeenth session of the General Assembly when 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" was discussed by the Sixth Committee. In its written comment in pursuance of resolution 1815 (XVII), which was adopted as a result of the discussion of the item, the Netherlands Government submitted explanatory observations with regard to the function of a fact-finding organ and proposed further study of all the relevant aspects of the matter, on the basis of a report to be made by the Secretary-General.⁴

After discussion at the eighteenth session in 1963, in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, held at Mexico City in 1964, and at the twentieth session of the General Assembly in 1965, resolutions 1967 (XVIII) and 2104 (XX) were adopted inviting Member States to submit written com-

⁴ See *Official Records of the General Assembly, Eighteenth Session, Annexes*, agenda item 71, document A/5470/Add.1.

ments on the subject and requesting the Secretary-General to report on the relevant aspects of the subject, in particular as regards past United Nations practice. Written comments, in which the question of methods of fact-finding was referred to, were received from fourteen Governments,⁵ and two studies were prepared by the Secretary-General, one for the twentieth session of the General Assembly⁶ and one for the twenty-first session (A/6228).

These studies were for the most part purely descriptive in their account of the fact-finding activities of various international bodies, most of them *ad hoc*. The Secretary-General's reports did not attempt to evaluate—nor did most of the comments received from Governments—whether it might now be possible to proceed to a further stage so as to consider, in accordance with resolution 2104 (XX), what institutional developments might be feasible at the present time. For that purpose, a number of observations and suggestions were submitted to the present session of the General Assembly by the Netherlands Government (for text, see document A/6373 above).

The Netherlands Government earnestly hopes that the proposals which it has made will receive serious consideration, as a small but distinct advance in the progress of the international community towards securing and maintaining friendly relations between States. It is the belief of the Netherlands Government that more ambitious plans will prove illusory, even to their most fervent supporters, unless some practical means can be found which would aid States in the difficulties they encounter in ensuring respect for the principles of the Charter and of their rights as States. Whilst the mere existence of a permanent United Nations fact-finding body would not, of itself, resolve all the world's political ills, acceptance of the principle involved would undoubtedly be enormously beneficial in the daily lives of States.

⁵ *Ibid.*, *Twentieth Session, Annexes*, agenda items 90 and 94, document A/5725.

⁶ *Ibid.*, document A/5694.

DOCUMENT A/C.5/1095

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6457

Note by the Secretary-General

[Original text: English]
[5 December 1966]

1. Under the terms of the draft resolution adopted by the Sixth Committee at its 942nd meeting, held on 29 November 1966 (A/6547, para. 88, draft resolution I), the General Assembly would ask the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, as reconstituted by General Assembly resolution 2103 (XX), to continue its work on the formulation of principles of international law in this field, and to submit a comprehensive report thereon, as well as a draft declaration on the seven principles set forth in General Assembly resolution 1813 (XVII), to the General Assembly at its twenty-second session. To accomplish this task, the Special Committee would further be requested to meet at Geneva, or at any other suitable place for which the Secretary-General receives an

invitation. Additionally, the Secretary-General would be requested to co-operate with the Special Committee in its task and to provide all the services, documentation and other facilities necessary for its work.

2. The Secretary-General has examined the probable requirements of the Special Committee to fulfil its mandate, especially in relation to the prior workload commitments of the Secretariat arising from the programme of meetings and conferences already scheduled for 1967.

3. The programme of meetings as now scheduled for 1967 will place a heavy burden on the conference servicing staff at both Headquarters and Geneva. Thus, in estimating the requirements for the Special Committee, account has been taken of the fact that it will be neces-

sary to supplement to a large extent by temporary assistance the existing language and conference staff at Geneva.

4. The estimates are based on the following assumptions:

(a) Since the members of the Special Committee would be representatives of Governments, the United Nations would not be responsible for payment of travel and subsistence expenses, in accordance with the terms of General Assembly resolution 1798 (XVII);

(b) The Special Committee would meet in Geneva for five weeks during 1967;

(c) The Special Committee would establish a drafting committee, but the two committees would not meet simultaneously; two meetings would be held each day;

(d) Summary records in English, French and Spanish would be provided for meetings of the Special Committee, but not for meetings of the drafting committee;

(e) The working languages for interpretation, pre-session documentation and in-session documentation other than summary records would be English, French, Spanish and other official languages upon request;

(f) The report of the Special Committee to the General Assembly would be issued in the five official languages;

(g) Some substantive staff would be required to travel from Headquarters to provide a secretariat for the Special Committee.

5. The related additional costs are estimated at a total of \$127,000 as follows:

	\$ US	\$ US
(a) <i>Pre-session documentation</i>		2,000
In view of the relatively small volume of pre-session documentation, the Secretary-General would endeavour to undertake the translation and typing of such documentation from within existing resources. An additional sum of \$2,000 would, however, be required for reproduction.		
(b) <i>Meetings services of the Special Committee</i>		91,800
(i) Apart from the limited contribution towards staffing which the United Nations Office at Geneva could make, it would be necessary to provide the following temporary conference staff:		
4 interpreters, 14 translators, 7 revisers, 22 stenographers, 3 secre-		

	\$ US	\$ US
aries and 1 meetings officer	62,860	
Reproduction and distribution personnel, <i>huissiers</i> , sound technicians	9,940	
	72,800	
(ii) Travel and subsistence of 6 professional and 2 general service substantive staff from Headquarters	10,000	
(iii) Miscellaneous supplies and services:		
Supplies for reproduction of in-session documentation and provisional summary records (paper, stencils, ink)	4,000	
Communications, freight, pouches	5,000	
	9,000	
(c) <i>Preparation and distribution of final summary records</i>		19,000
(i) 3 editors and 3 typists for preparation of final summary records	9,000	
(ii) Reproduction and distribution, including labour and supplies	10,000	
(d) <i>Report of the Special Committee to the General Assembly</i>		14,200
The Secretary-General would endeavour to meet the costs of translation of the Special Committee's report from within existing resources. However, the additional costs of typing and reproduction of the report, estimated respectively at \$3,200 and \$11,000, would need to be provided for in full.		

TOTAL 127,000

6. Exclusive of the non-recurring costs in regard to travel of the substantive and temporary conference servicing staff, the recurring costs for each week of meeting of the Special Committee are estimated at \$20,000.

7. In the event that an invitation is received for the Special Committee to meet elsewhere than at Geneva, any additional costs which might arise would need to be met, in accordance with the terms of General Assembly resolution 2116 (XX), by the host Government concerned.

8. The Fifth Committee might wish to advise the General Assembly that adoption of the draft resolution recommended by the Sixth Committee would require a provision of \$127,000 under a new chapter of section 2 (Special meetings and conferences) of the budget for the financial year 1967.

DOCUMENT A/6556

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6457

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[6 December 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the Secretary-General's note (A/C.5/1095) on the administrative and financial implications in 1967 of a draft resolution

recommended by the Sixth Committee (see A/6547 para. 88). Under the terms of operative paragraphs 4 to 9 of the draft resolution the General Assembly would ask the Special Committee on Principles of

International Law concerning Friendly Relations and Co-operation among States, reconstituted by General Assembly resolution 2103 (XX) of 20 December 1965, to continue its work on the formulation of principles of international law in this field and to submit a comprehensive report thereon, as well as a draft Declaration on the seven principles set forth in General Assembly resolution 1815 (XVII) of 18 December 1962, to the General Assembly at its twenty-second session, and for this purpose to meet at Geneva, or at any other suitable place for which the Secretary-General receives an invitation.

2. In examining the probable requirements of the Special Committee, the Secretary-General estimates that the adoption of the draft resolution by the General Assembly would require an additional credit of \$127,000 under a new chapter of section 2 (Special meetings and conferences) of the budget estimates for 1967 to provide for: pre-session documentation (\$2,000); meetings services (\$91,800); preparation and distribution of final summary records (\$19,000) and issuance of the report of the Special Committee (\$14,200). In view of the heavy workload of the conference servicing staff scheduled for 1967 at both Headquarters and Geneva, the Secretary-General has found it necessary to request provision for such services to a large extent from additional temporary assistance funds.

3. The Advisory Committee notes that the estimate of \$127,000 is based on a programme of meetings of five weeks at Geneva and that any extension of the meetings beyond that period would require recurring costs estimated at \$20,000 per week.

4. In its consideration of the Secretary-General's estimates, the Advisory Committee observed that as

yet no date had been set for the meetings of the Special Committee. In this connexion the Committee is aware that the estimates for 1967 for the conference and meetings programme at Geneva already provide considerable temporary assistance funds for language servicing staff, and that owing to the nature and frequency of the meetings of certain bodies such permanent and temporary staff may not be fully utilized over the total conference period. Accordingly, the Committee is of the opinion, notwithstanding the timing of the conference, that it will be possible to effect some savings in the estimate for temporary assistance funds under this heading. Similarly, it considers that the amounts requested for ancillary services such as reproduction and distribution, personnel and documents, supplies and services are also susceptible of reduction. The Committee would also express the hope that the Special Committee will find it possible to perform its task within the initial five-week period, thereby obviating any additional costs.

5. The Committee understands that, should an invitation be received for the Special Committee to meet elsewhere than at Geneva, any additional costs which might arise would be borne by the host Government in accordance with the terms of General Assembly resolution 2116 (XX) of 21 December 1965.

6. In the light of the observations contained in paragraph 4 above, the Advisory Committee recommends a reduction of \$17,000 in the estimate of \$127,000 made by the Secretary-General. Should the General Assembly approve the Committee's recommendation the estimates under section 2 of the budget for the financial year 1967 would require to be increased by \$110,000.

DOCUMENT A/6547

Report of the Sixth Committee

[Original text: English]
[7 December 1966]

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I. Introduction

1. At its 1415th plenary meeting, on 24 September 1966, the General Assembly decided to include item 87 entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" in the agenda of its twenty-first session and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this item at its 924th to 942nd meetings, from 1 to 29 November 1966.

3. The item was previously discussed by the General Assembly at its seventeenth, eighteenth and twentieth sessions. These discussions resulted in the adoption of General Assembly resolutions 1815 (XVII) and 1816 (XVII) of 18 December 1962, 1966 (XVIII) and 1967 (XVIII) of 16 December 1963 and 2103 (XX) and 2104 (XX) of 20 December 1965.

4. At its seventeenth session the General Assembly, by resolution 1815 (XVII) of 18 December 1962: recognized "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 derived therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles..."; resolved 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; decided to study, at its eighteenth session, four of those principles, namely:

"(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."

5. At its eighteenth session the General Assembly, by resolution 1966 (XVIII) of 16 December 1963, established a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. That Committee was requested to draw up and submit to the General Assembly a report "containing, for the purpose of the progressive development and codification of the four principles" enumerated in paragraph 4 above "so as to secure their more effective application, the conclusions of its study and its recommendations...". Likewise, the General Assembly decided to consider the report of the Special Committee at its next session and to study, at the same time, the following three 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. Also at its eighteenth session the General Assembly, by resolution 1967 (XVIII) of 16 December 1963 on the question of methods of fact-finding, invited the views of Member States, requested the Secretary-General to study the relevant aspects of the problem and to report on it to the Assembly at its nineteenth session and to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States established under Assembly resolution 1966 (XVIII), and also requested the Special Committee to include the matter in its deliberations.

7. The Special Committee established under General Assembly resolution 1966 (XVIII) met at Mexico City from 27 August to 1 October 1964, and submitted a report on its work to the General Assembly.¹

8. At its twentieth session the General Assembly considered, under the item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter",² the report of the 1964 Special Committee, the three principles referred to in paragraph 5 above and the report of the Secretary-General on methods of fact-finding.³ The Sixth Committee considered that

¹ *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda items 90 and 94, document A/5746.

² *Ibid.*, document A/6165, para. 5.

³ *Ibid.*, document A/5694.

agenda item together with item 94, entitled "Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities".⁴

9. The General Assembly adopted at its twentieth session resolution 2103 (XX) of 20 December 1965. By resolution 2103 B (XX) the General Assembly requested

"... the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, reconstituted under paragraph 3 of resolution 2103 A (XX) above, to take into consideration, in the course of its work and in drafting its report, the request for the inclusion in the agenda of the [Observance by Member States of the principles relating to the sovereignty of States, their territorial integrity, non-interference in their domestic affairs, the peaceful settlement of disputes and the condemnation of subversive activities] mentioned in the first preambular paragraph above⁵ and the discussion of that item at the twentieth session of the General Assembly."

10. Also at its twentieth session the General Assembly adopted resolution 2104 (XX) of 20 December 1965 concerning the question of methods of fact-finding.

11. The Special Committee reconstituted under Assembly resolution 2103 (XX) met at United Nations Headquarters in New York from 8 March to 25 April 1966, adopted a report on its work (A/6230) and submitted it to the General Assembly in accordance with operative paragraph 4 (c) of resolution 2103 (XX). The report was divided into the following nine chapters: I. Introduction; II. 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; III. 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; IV. The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; V. The principle of sovereign equality of States; VI. The duty of States to co-operate with one another in accordance with the Charter; VII. The principle of equal rights and self-determination of peoples; VIII. The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter; IX. Conclusion of the work of the 1966 Special Committee.

12. At the twenty-first session of the General Assembly 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" covered the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (A/6230) and the study prepared by the Secretary-General, in pursuance of operative paragraph 1 of General Assembly resolution 2104 (XX), on methods of fact-finding with respect to the execution of international agreements (A/6228). The Committee had also before it the comments received from Govern-

ments, in accordance with paragraph 2 of General Assembly resolution 2104 (XX), on the question of methods of fact-finding (A/6373 and Add.1).

II. Proposals and amendments

A. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

13. Cameroon, Chile, Colombia, Czechoslovakia, Ecuador, Guatemala, Honduras, India, Mexico, Nigeria, Panama, Sudan, the United Arab Republic, Uruguay, Venezuela and Yugoslavia submitted a draft resolution (A/C.6/L.607 and Add.1 and 2), which read as follows:

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, and 2103 (XX) of 20 December 1965 which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of those principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind also that the Second Conference of Heads of State or Government of non-aligned countries, which met at Cairo in 1964, recommended to the General Assembly of the United Nations the adoption of a declaration on these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve as much general agreement as possible in the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII) without prejudice to the applicability of the rules of procedure of the Assembly, and with a view to the adoption at the twenty-second session of the General Assembly of a declaration which would constitute a landmark in the progressive development and codification of those principles,

Having considered the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States which met in New York from 8 March to 25 April 1966, and having considered specifically the facts that it was noted in that Committee that the differences between the various points of view on the formulation of the principles had been materially reduced and that among the factors which hampered the achievement by the Committee of a greater measure of agreement was lack of sufficient time for additional deliberation and negotiation,

1. *Takes note* of the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

2. *Expresses its appreciation* to that Committee for the valuable work it performed;

3. *Takes note* of the formulations of the 1966 Special Committee concerning 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 and the principle of sovereign equality of States, and of its decision that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965;

⁴ *Ibid.*, document A/6165, paras. 6 and 7.

⁵ *Ibid.*, Nineteenth Session, Annexes, annex No. 2, documents A/5757 and Add.1.

4. *Decides* to ask the Special Committee as reconstituted by General Assembly resolution 2103 (XX) to continue its work;

5. *Requests* the Special Committee, in the light of the debate which took place in the Sixth Committee during the seventeenth, eighteenth, twentieth and twenty-first session of the General Assembly and in the 1964 and 1966 Special Committee, to complete the formulations of:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

(b) The duty of States to co-operate with one another in accordance with the Charter,

(c) The principle of equal rights and self-determination of peoples, and

(d) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. *Further requests* the Special Committee to consider any additional proposals on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, which could widen the area of agreement already expressed in General Assembly resolution 2131 (XX):

7. *Requests* the Special Committee, having regard to the work already accomplished by the 1966 Special Committee as specified in operative paragraph 3 above, to submit to the twenty-second session of the General Assembly a comprehensive report on the principles entrusted to it for study and a draft declaration on the seven principles set forth in General Assembly resolution 1815 (XVII):

8. *Requests* the Special Committee to meet at Geneva, or at any other suitable place for which an invitation is received by the Secretary-General, and to submit its report and the draft declaration to the General Assembly at its twenty-second session:

9. *Requests* the Secretary General to co-operate with the Special Committee in its task, and to provide all the services, documentation and other facilities necessary for its work;

10. *Decides* to include 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' in the provisional agenda of its twenty-second session."

14. The sponsors of the draft resolution (A/C.6/L.607 and Add.1 and 2), together with Bolivia, Brazil, Bulgaria, Costa Rica, the Dominican Republic, El Salvador, Hungary, Madagascar, Mongolia, Nepal, Nicaragua, Paraguay, Peru, and Poland, submitted a first revision of the draft resolution (A/C.6/L.607/Rev.1 and Add.1) adding at the end of operative paragraph 7 the words "such as will constitute an outstanding event in the progressive development and codification of those principles";

15. Australia, Canada, Jamaica, Japan, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted amendments (A/C.6/L.608) to the revised draft resolution (A/C.6/L.607/Rev.1 and Add.1) which read as follows:

1. Add the following new preambular paragraph after the fifth preambular paragraph:

"Bearing in mind also the nature of General Assembly resolutions and in particular that of resolutions whose purpose is the progressive development and codification of principles of international law,"

2. Amend the sixth preambular paragraph as follows: (a) add the word "accordingly" after the opening words "Being convinced"; (b) replace the words "as much general agreement as possible in" by the words "general agreement at every

stage of"; (c) replace the words "the adoption at the twenty-second session of the General Assembly" by the words "the early adoption".

3. End operative paragraph 3 with a semicolon after the words "equality of States".

4. In operative paragraph 5, after "1966 Special Committee", add "and building on existing areas of substantial agreement".

5. Amend operative paragraph 6 to read:

"6. *Further requests* the Special Committee to complete the formulation of the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, on the basis of General Assembly resolution 2131 (XX) and in an effort to widen the area of agreement on the legal content of that principle;"

16. The sponsors of the revised draft resolution, together with Lebanon, submitted a second revision of the draft resolution (A/C.6/L.607/Rev.2) introducing the following changes into the text of the draft resolution:

(a) The sixth preambular paragraph was redrafted to read:

"*Being convinced* of the significance of continuing the effort to achieve general agreement in the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII) but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles,";

(b) The following new operative paragraph 7 was added:

"7. *Further requests* the Special Committee, having considered, as a matter of priority, the principles referred to in operative paragraphs 5 and 6 above, to consider any additional proposals with a view to widening the areas of agreement expressed in the formulations of the 1966 Special Committee concerning 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 and the principle of sovereign equality of States;"

(c) As a result, operative paragraphs 7, 8, 9 and 10 were renumbered accordingly.

17. The sponsors of the amendments (A/C.6/L.608) withdrew amendments 1, 2 and 4 to draft resolution A/C.6/L.607/Rev.1 and Add.1 maintaining amendments 3 and 5 (A/C.6/L.608/Rev.1) to draft resolution A/C.6/L.607/Rev.2.

18. Finally, the sponsors of draft resolution A/C.6/L.607/Rev.2, together with Ghana and Romania, submitted a third revision of the draft resolution (A/C.6/L.607/Rev.3 and Add.1), which read as follows:

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, and 2103 (XX) of 20 December 1965 which affirm the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Recalling further that among the fundamental purposes of the United Nations are the maintenance of international peace and security and the development of friendly relations and co-operation among States,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-

operation among States in accordance with the Charter of the United Nations is of paramount importance for the maintenance of international peace and security and the improvement of the international situation,

Considering further that the progressive development and codification of those principles, so as to secure their more effective application, would promote the realization of the purposes of the United Nations,

Bearing in mind also that the Second Conference of Heads of State or Government of Non-Aligned Countries, which met at Cairo in 1964, recommended to the General Assembly of the United Nations the adoption of a declaration on these principles as an important step towards their codification,

Being convinced of the significance of continuing the effort to achieve general agreement in the process of the elaboration of the seven principles of international law set forth in General Assembly resolution 1815 (XVII) but without prejudice to the applicability of the rules of procedure of the Assembly, with a view to the adoption of a declaration which would constitute a landmark in the progressive development and codification of those principles,

Having considered the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States which met in New York from 8 March to 25 April 1966, and having considered specifically the facts that it was noted in that Committee that the differences between the various points of view on the formulation of the principles had been materially reduced and that among the factors which hampered the achievement by the Committee of a greater measure of agreement was lack of sufficient time for additional deliberation and negotiation,

1. *Takes note* of the report of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States;

2. *Expresses its appreciation* to that Committee for the valuable work it performed;

3. *Takes note also* of the formulations of the 1966 Special Committee concerning 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 and the principle of sovereign equality of States, and of its decision that with regard to the principle of non-intervention the Special Committee will abide by General Assembly resolution 2131 (XX) of 21 December 1965;

4. *Decides* to ask the Special Committee as reconstituted by General Assembly resolution 2103 (XX) to continue its work;

5. *Requests* the Special Committee, in the light of the debate which took place in the Sixth Committee during the seventeenth, eighteenth, twentieth and twenty-first sessions of the General Assembly and in the 1964 and 1966 Special Committee, to complete formulations of:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

(b) The duty of States to co-operate with one another in accordance with the Charter;

(c) The principle of equal rights and self-determination of peoples; and

(d) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. *Requests* the Special Committee to consider proposals on the principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter, with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX);

7. *Requests* the Special Committee, having considered, as a matter of priority, the principles referred to in operative paragraphs 5 and 6 above, to consider any additional proposals with a view to widening the areas of agreement expressed in the formulations of the 1966 Special Committee concerning 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 and the principle of sovereign equality of States;

8. *Requests* the Special Committee, having regard to the work already accomplished by the 1966 Special Committee as specified in operative paragraph 3 above, to submit to the twenty-second session of the General Assembly a comprehensive report on the principles entrusted to it for study and a draft declaration on the seven principles set forth in General Assembly resolution 1815 (XVII) such as will constitute a landmark in the progressive development and codification of those principles;

9. *Requests* the Special Committee to meet at Geneva, or at any other suitable place for which an invitation is received by the Secretary-General;

10. *Requests* the Secretary-General to co-operate with the Special Committee in its task, and to provide all the services, documentation and other facilities necessary for its work;

11. *Decides* to include 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" in the provisional agenda of its twenty-second session.

19. Thereafter, the sponsors of the amendments (A/C.6/L.608/Rev.1) to draft resolution A/C.6/L.607/Rev.2 submitted an amendment (A/C.6/L.608/Rev.2) to operative paragraph 3 of draft resolution A/C.6/L.607/Rev.3 and Add.1, reading as follows:

"At the end of operative paragraph 3, change the semicolon to a comma and add: 'and of its decision noting the report of the drafting committee that no agreement was reached on the additional proposals made with the aim of widening the area of agreement in General Assembly resolution 2131 (XX);'."

20. The Secretary-General submitted a statement (A/C.6/L.609) of the administrative and financial implications of the draft resolution (A/C.6/L.607/Rev.1). This statement was also made applicable to the second and third revisions of the draft resolution.

B. QUESTION OF METHODS OF FACT-FINDING

21. Colombia, Dahomey, Ecuador, Jamaica, Japan, Liberia, Madagascar, Mexico, the Netherlands, Pakistan, Somalia, Togo and Turkey submitted a draft resolution (A/C.6/L.610 and Add.1), reading as follows:

The General Assembly,

Recalling its resolutions 1967 (XVIII) of 16 December 1963 and 2104 (XX) of 20 December 1965 on the question of methods of fact-finding,

Noting with appreciation the two reports (A/5694 and A/6228) made by the Secretary-General in pursuance of the above-mentioned resolutions,

Noting the comments submitted by Member States pursuant to paragraph 1 of resolution 1967 (XVIII) and paragraph 2 of resolution 2104 (XX) and the views expressed during its twentieth and twenty-first sessions,

Noting chapter VII of the report (A/5746) of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States, established under General Assembly resolution 1966 (XVIII) of 16 December 1963,

Reaffirming its belief 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,

Noting that, with regard to methods of fact-finding in international relations, a considerable documentation has now been made available by the reports of the Secretary-General on practice in relation to settlement of disputes as well as in

respect to the execution of international agreements, and furthermore by the views expressed and the proposals made by Member States,

Considering it desirable that the General Assembly, at its twenty-second session, should endeavour, following a report to the competent Main Committee by a working group appointed by the Chairman of that Committee, to draw conclusions concerning the question from this documentation,

Recalling its belief that a study of the question 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 peaceful means of settlement of their own choice,

1. Invites Member States to submit in writing to the Secretary-General, before 1 August 1967, any views, or further views, they may have on this subject in the light of the reports of the Secretary-General, the views expressed and the proposals made, and in particular on the following aspects:

(a) The effectiveness of existing arrangements for international fact-finding,

(b) The need for new international machinery for fact-finding, its composition and its terms of reference;

2. Decides to include an item entitled "Question of methods of fact-finding" in the provisional agenda of the twenty-second session of the General Assembly, in order to consider what further action may be appropriate.

22. Hungary and the Ukrainian Soviet Socialist Republic submitted the following amendments (A/C.6/L.612) to the draft resolution (A/C.6/L.610 and Add.1), which would: (a) delete the fifth, seventh and eighth preambular paragraphs; (b) at the end of the preamble insert the following new preambular paragraph: "Being unable to consider the substance of the question of methods of fact-finding owing to lack of time,"; (c) end operative paragraph 1 after the words "on this subject" and insert a semicolon. These amendments were withdrawn by the sponsors, following the oral modifications introduced in the text of the draft resolution (A/C.6/L.610 and Add.1).

23. Later, the sponsors orally amended the text as follows:

(a) The seventh preambular paragraph was deleted;

(b) In the new seventh preambular paragraph (formerly eighth), the word "other" was inserted between the words "to seek" and the words "peaceful means";

(c) A new eighth preambular paragraph was added reading "Having been unable to consider the substance of the question of methods of fact-finding owing to lack of time,";

(d) Operative paragraph 1 was redrafted to read as follows:

"1. Invites Member States to submit in writing to the Secretary-General, before 1 August 1967, any views, or further views, they may have on this subject, taking into account the reports of the Secretary-General, the views expressed and the proposals made,".

III. Discussion

A. CONSIDERATION OF THE REPORT OF THE 1966 SPECIAL COMMITTEE (A/6230)

1. General considerations relating to the principles and aims of the work

24. The supreme importance of the work of codification and progressive development of the principles of

international law concerning friendly relations and co-operation among States was stressed by a number of representatives. The principles involved were the basic ones of the United Nations Charter. Some representatives thought that the world had changed in the time since the Charter was adopted, largely through the accession to independence of a large number of new States, and it was necessary to apply and develop those principles to the new world situation which resulted. Progressive development should take place in order to reduce the gap between social reality and the international legal order. It was generally agreed in principle that the work at present under way should lead to the adoption of a declaration.

25. It was agreed that the work was not a process of covert and informal amendment of the Charter. That document, which was not only a constitution but, as one representative observed, the greatest law-making treaty of modern times, had to be interpreted effectively in the light of its object and purpose, and, as was said by another, in that of more than twenty years of development of customary international law. The substance of the principles could not be discarded but should be amplified, enriched and adapted to the problems of the present day. One representative added that the task related not only to rules of conduct but also to organizational rules and principles, since all of the provisions of the Charter were relevant to the purpose, and organizational rules were relevant not only for the interpretation of the rules of conduct, but also in themselves, as an integral part of the principles to be codified.

26. Some delegations said that attention should be paid to the difference between *lex lata* and *lex ferenda*; while it was entirely proper that proposals *de lege ferenda* should be made and considered, many such proposals which had been made during the work were political rather than juridical propositions, designed to stretch the Charter to fit a particular ideology. Others, however, thought it essential that to achieve its purpose the formulation of the principles should embody genuinely progressive and democratic elements and should not lose sight of the main social purpose of international law, which was the safeguarding of the sovereign rights of peoples and the maintenance of peace and co-operation. A further group of representatives thought that no sharp distinction could or should be drawn between legal and political propositions, nor was the distinction between *lex lata* and *lex ferenda* very relevant to the formulation of a declaration of principles which was not the final step in the process of progressive development and codification.

27. One representative counselled against attempting to draft excessively precise texts which might impair the dynamic character of the law, give rise to contradictions and make difficult the attainment of the necessary breadth of agreement. Others, however, believed that it would be a mistake not to go far enough in this direction. Excessively abbreviated statements of rules might detract from the Charter by not taking account of all its relevant provisions, and that would be far from conducive to the sound codification and progressive development of the Charter principles.

2. General comments on the work of the 1966 Special Committee

28. Some representatives expressed disappointment that the 1966 Special Committee had been able to report

new formulations on only two principles, peaceful settlement of international disputes and sovereign equality, and of those formulations the latter was only a slightly expanded version of what had been adopted by the 1964 Special Committee in Mexico City. A greater number, however, thought that the session of the Special Committee in 1966 had been more fruitful than might at first appear and that there was good hope of success if the work was pursued further. Much had been done towards defining the issues and laying a basis for agreement at a later stage. One representative added that there had been a noticeable shift towards acceptance of progressive ideas. It was pointed out that, though formulations had been unanimously adopted on only two principles, formulations on other principles had received wide though less than unanimous agreement, and these texts laid a solid foundation for future work.

29. Some representatives praised the spirit of conciliation and the desire to reach agreement which in their view prevailed among the delegations on the 1966 Special Committee and said that the main factors limiting the results of the work were lack of time and the difficulty of the task. Others, however, thought that the task was not very difficult. What had hampered the formulation of the principles was the attitude of certain States which, feeling that the project might create legal difficulties for them, had raised artificial obstacles to success.

3. *General considerations on future work*

30. It was generally agreed that the Special Committee, as reconstituted by General Assembly resolution 2103 (XX) of 20 December 1965, should be asked to hold another session in 1967. Although some representatives stated that the Special Committee should not be asked to consider again the principles on which formulations had been reached, it was ultimately agreed that, while priority should be given to those on which no formulations had yet been adopted, the other two principles should be taken up again with a view to widening the areas of agreement expressed in the formulations. It was also the general view that the Special Committee should be requested to prepare a draft declaration on the seven principles for consideration by the General Assembly at its twenty-second session in 1967. The discussion in regard to the effect to be given to General Assembly resolution 2131 (XX) of 21 December 1965 is summarized in paragraphs 52-56 below.

31. There was extensive discussion of the role to be played by consensus or unanimity in the future work of the Special Committee. A few representatives believed that what was being aimed at was an authentic interpretation of the Charter by the parties to it, which, if agreed to by all of them, would have the same legal force as the Charter itself. For those representatives unanimity was indispensable, as without it there would be no possibility of authentic interpretation. It was said by one of those representatives that a method of deciding by general agreement should be an incentive to negotiation and compromise and not a dogma whose only purpose was obstruction. Other representatives, however, considered that the goal was a recommendation by the General Assembly. Although the Assembly could not of itself create general international law, its

recommendations could nevertheless, if virtually unanimous, constitute such cogent evidence of the practice of States that it could provide substantial evidence of the rules of customary law. For those representatives a consensus procedure would mean proceeding without a vote where there was no recorded dissent, rather than by strict unanimity, and voting was not in all events excluded.

32. One representative, while maintaining the value of unanimity, considered that the Special Committee's main duty was to clarify the situation, and that, when every possibility of unanimity was exhausted, a vote should be taken (preferably by roll-call) not in order to decide on adoption of the text, but rather so that the General Assembly could be informed as to the degree of support for the various views. Another group considered that every effort should be made to reach general agreement, but that as a last resort texts should be voted on so that one delegation or a few delegations could not paralyse the efforts of the great majority. Still other representatives believed that the practice followed by the 1964 and 1966 Special Committees should be abandoned, and that no demand should be made for unanimous adoption, which was not even required for amendments to the Charter itself. In their view, the value of a declaration would depend not upon the method of its adoption but upon its content, its lucid formulation and its application by States; if matters of major importance were left aside because of the impossibility of consensus, the codification would in any case be a failure.

33. Several representatives stressed the need for proceeding with a maximum of objectivity, with a constant view to the broadest interests of the international community and without pursuit of short-term political gains. One representative said that it should be decided whether the aim was a declaration by the General Assembly, which traditionally was an infrequent and solemn instrument of major and lasting importance with which maximum compliance was expected, or whether it was a less solemn document which would mirror existing trends, possibly of an ephemeral character.

34. As to the methods of drafting, it was suggested that the relationship between the principles should constantly be borne in mind, and one representative said it was essential to maintain close liaison between the various working groups. Another said that working groups should be appointed not only from members of the drafting committee but from other members of the Special Committee as well, and that some record should be kept of the work of working groups, in the form of reports by their chairmen either to the drafting committee or to the Special Committee. It was also suggested that perhaps some equivalent to the system of Special Rapporteurs used by the International Law Commission could be worked out, and that greater use should be made of written documents setting out and explaining in detail the proposals made and their implications. In any case, if the suggestions made with respect to working groups were adopted, such groups should be established at the very outset of the session of the Special Committee, in order to avoid last minute proposals and hasty negotiations, hardly compatible with a proper method of drafting legal documents of high importance.

4. *Comments on the principles examined by the Special Committee*

(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*

35. Some representatives expressed regret that the 1966 Special Committee had been unable to arrive at an agreed formulation of this principle (see A/6230 above, para. 155) as they considered that serious violations of it in current international life were creating dangerous situations and that a formulation would help to ensure world peace. They considered that the Special Committee at its next session should devote special effort to this principle, and mentioned different proposals and amendments made at the 1966 session, or the text which had nearly been accepted by the 1964 Special Committee in Mexico City,⁶ as bases on which they wished to see agreement reached.

36. Several representatives thought that a formulation should take full account of developments in practice during the years since the United Nations Charter was drafted and should fully reflect the new realities of international life. It would, in their view, be undesirable to try to distinguish sharply between existing law and developing law, or between codification and progressive development; gaps had to be filled and logical consequences of rules could be included. One representative, however, said that the principle involved was exactly that contained in Article 2, paragraph 4, of the Charter, and that any effort to alter its scope or the meaning of the terms used would amount to an amendment of the Charter. Another representative declared that the principle was a peremptory norm of international law, from which there could be no derogation.

37. Much of the discussion in the Sixth Committee centred on the meaning of the term "force". There was general agreement that the term covered armed force. Several representatives included the use of irregular and volunteer forces in the use of force; others mentioned the training of terrorists and saboteurs for infiltration across frontiers or the existence within a State of camps for such training; and still others extended the term to all subversive activities against another State or against legitimate democratic Governments.

38. A considerable number of representatives said that the term "force" covered not only armed force, but also any other form of duress or coercion, or any form of pressure, including economic and political pressure (some referred also to social, cultural and psychological pressure) directed against the territorial integrity or political independence of a State. A few of those representatives explained that in their view the term "force" in Article 2, paragraph 4, of the Charter had a broader meaning than "force" in Article 44, as the contexts were different, and that therefore the inclusion of all forms of pressure did not go beyond the meaning of the principle in the Charter. It was also argued that the circumstances of modern international life, where economic or other kinds of pressure could have just as coercive an effect as military action, made a broad definition of "force" necessary.

⁶ *Ibid.*, Twentieth Session, Annexes, agenda items 90 and 94, document A/5746, para. 106, Paper No. 1(I).

39. On the other hand, it was argued by one representative that Article 2, paragraph 4, and Article 44, taken together, meant that the principle covered only armed force, and that those attempting to expand the concept of force would encounter difficulties of definition which they would have to overcome in the interest of the international community. Other representatives thought it essential to indicate that the right of self-defence under Article 51 of the Charter could not be invoked in relation to economic and political pressures. Still others thought it preferable to deal with such pressures only under the principle of non-intervention.

40. In regard to the consequences and corollaries of the prohibition of the threat or use of force, a number of representatives thought that, in addition to declaring the criminality of wars of aggression, a formulation of the principle should include a prohibition of propaganda for war, and one representative suggested consideration of the possibility of States undertaking the obligation to spread peace propaganda and support social movements for the maintenance of peace. Another representative took the view that a provision regarding war propaganda should be in hortatory language rather than in that of a legal prohibition.

41. Several representatives expressed the desire that a formulation should include a prohibition of the use of force for repression of liberation movements or for denial of the right of self-determination. A few representatives said that it was desirable expressly to prohibit the threat or use of force to violate existing boundaries. One representative thought that the prohibition should apply not only to boundaries but also to other international lines of demarcation, while another opposed any reference to such lines of demarcation. Some wished that the use of force in acts of reprisal should be condemned. Others said that recognition should be given to the obligation of States to achieve general and complete disarmament under effective international control; one representative, however, wished to deal with the question of disarmament in hortatory language rather than as an obligation.

42. One representative called attention to a long-established institution of international law which had limited the use of force even during the period when States were legally entitled to wage war in a just cause: that was the institution of permanent neutrality, like that of Switzerland and more recently Austria, under which States recognizing permanent neutrality pledged themselves to respect the territorial integrity and political independence of the neutral State, while the latter undertook not to join any military alliances.

43. In regard to the exceptions to the prohibition of the threat or use of force, a number of representatives stressed that the right of individual or collective self-defence should be strictly limited to the conditions laid down in Article 51 of the Charter. Some representatives considered that the right of self-defence, both individual and collective, was enjoyed not only by States but also by peoples defending themselves against colonial domination and struggling for freedom and self-determination. On the other hand, one representative, while recognizing that Article 2, paragraph 4, of the Charter applied only in international relations and thus did not prohibit rebellion aiming at independence, said that outside aid to a rebellion was generally prohibited by international law; others thought that the duty to respect the territorial integrity of States and the principle of non-intervention were relevant in this re-

gard. In reply, it was argued that the struggle against colonialism was in truth an international struggle since colonial régimes constituted illegal *ae facto* occupation, and thus outside aid was permissible.

44. Some representatives spoke of force as legal when it was used pursuant to a decision of a competent organ of the United Nations. Others said that only the Security Council was competent in that regard. One representative mentioned the use of force under regional arrangements in accordance with Article 53 of the Charter, and another mentioned the desirability of participation by the Security Council in decisions to use force under such arrangements. One representative thought that none of the formulations yet proposed on the prohibition of the threat or use of force did complete justice to the Charter provisions (in Chapter VII and elsewhere) concerning the functions of the United Nations in the maintenance of international peace and security.

(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*

45. The 1966 Special Committee unanimously adopted a text setting out points of consensus on this principle (see A/6230 above, paras. 248 and 272). A number of representatives said that they were in general satisfied with that text. Although some of them expressed the hope that it would be possible to expand the scope of agreement in later stages of work, some representatives considered that the Sixth Committee should transmit the text to the Special Political Committee in connexion with consideration by the latter of agenda item 36 relating to peaceful settlement of disputes. One representative thought that the formulation should immediately be embodied in a declaration by the General Assembly, which might later, if necessary, be included in a single declaration covering all seven principles.

46. On the other hand, one representative said that the text lacked legal substance, and another thought that the agreed formula was unsatisfactory as it detracted from Chapter VI of the Charter and other Charter provisions. This might be prejudicial to the more effective application of the principle of peaceful settlement. Moreover, numerous representatives mentioned points which they would have wished to see included in the text.

47. It was agreed in the Sixth Committee that States had an obligation to settle their disputes by peaceful means and that they had a free choice of the means for doing so. In regard to this latter principle one representative regretted that the text did not expressly preserve the efficacy of any provision binding the parties with regard to means of settlement, an idea which appeared in the Charter. One representative thought that the formulation should have included the statement that "International disputes shall be settled on the basis of the sovereign equality of States, in the spirit of understanding, and without the use of any form of pressure". Other representatives, however, found that the formulation adopted by the Special Committee did not include all the elements needed to improve the juridical conditions for the application of the principle, and that it gave no assurance of recourse to peaceful means of settlement. It was also remarked that, although the primary element in the

settlement international disputes must be negotiations, the text did not attempt to deal with the question of what happened if the negotiations did not get under way, and thus was of doubtful usefulness. It was added that States, having begun negotiations, could not be expected to agree to continue them indefinitely, as the text seemed to imply, particularly when the disputes invoked such matters as the existence on their continent of colonial domination, racism and apartheid.

48. A number of representatives thought that more emphasis should have been placed upon judicial settlement and arbitral procedure, and many of these favoured stressing the role of the International Court of Justice as the principal judicial organ of the United Nations. Several representatives expressed the view that something should have been done to promote wider acceptance of the compulsory jurisdiction of the Court, and others considered that the text should have recommended the inclusion of clauses on settlement of disputes in general multilateral treaties. Some of those advocating a wider role for the International Court made it clear that they did so despite their disappointment in a recent judgement, and their dissatisfaction with the present composition of that body. Other representatives, however, emphasized the optional nature of the Court's jurisdiction, and did not consider it advisable to lay any stress on judicial settlement or to recommend the inclusion of settlement clauses in multilateral treaties while the Court retained its present composition and while much of international law remained uncodified.

49. Two representatives stated that negotiation was the most effective method for settlement of international disputes. Others, however, replied that negotiation had its limitations, since it involved a power relationship based on the particular interests of States rather than on the general welfare, and that giving *de jure* pre-eminence to negotiation was not desirable, as doing so might limit the freedom of the parties to choose the most appropriate means of settling the dispute in question.

50. Some representatives wished that the element of good faith had been mentioned in connexion with this principle. Another thought that reference should have been made to the supremacy of international law. It was observed by another that for a settlement to be valid, it must not only be consented to by the parties but must also be in conformity with the Charter and with international law. One representative considered the text defective because it contained no definition of what constituted an "international dispute", nor of the domestic jurisdiction of States.

51. Finally, some representatives expressed the hope that in future work on this principle full account would be taken of the experience of the Latin American States, which had a long history of initiatives in the field of peaceful settlement.

(c) *The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations*

52. Most of the discussion in the Sixth Committee centred around the effect which should be given to General Assembly resolution 2131 (XX) of 21 December 1965 (containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty) in regard to the formulation of the principle of non-intervention. The 1966 Special Committee, in

its work on this principle, adopted by 22 votes to 8, with 1 abstention, a resolution (see A/6230 above, paras. 340-341) whereby it decided that it would abide by General Assembly resolution 2131 (XX), and instructed its Drafting Committee, without prejudice to that decision, to direct its work on the principle towards the consideration of additional proposals, with the aim of widening the area of agreement of Assembly resolution 2131 (XX). At the conclusion of the session, the Special Committee took note of a report of the Drafting Committee that no agreement had been reached on the additional proposals made with the aim of widening the area of agreement of the resolution.

53. A great number of representatives considered that the legal value of resolution 2131 (XX) was beyond dispute, and that its substance should be incorporated in the formulation of the principles. The majority of the 1966 Special Committee, they contended, had been right in considering that the resolution was a legal formulation, and in deciding to abide by it. There were other important examples of the adoption of declarations of consciously legal content on the recommendation of political organs of the United Nations, and the body of resolutions of the General Assembly could be a source of customary international law. Resolution 2131 (XX), which had been adopted by 109 votes to none, with 1 abstention, after careful deliberation and the consideration of a large number of drafts, could not have been adopted unless it had been considered to be in accordance with the law, reflected a universal legal conviction, and was therefore authoritative. It was worded clearly and precisely enough to be a sufficiently complete formulation of the principle. It should be respected by States, and could not be attacked as legally defective; some added that the Special Committee would exceed its competence if it attempted to alter the substance of the resolution. Some speakers said that, while they were willing to consider drafting changes which did not alter the substance and any additional proposals which might widen the area of agreement, no amendments which might impair the substance should be considered. One representative especially deplored the fact that some delegations had attempted to delete from the Special Committee's formulation operative paragraph 6 of the resolution, which provided in part that "All States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure."

54. A number of other representatives contended, however, that the Declaration embodied in General Assembly resolution 2131 (XX) was political rather than legal in nature. In their view, while the resolution was an important document entitled to the most careful study, it could not be incorporated automatically in a declaration on the principles of international law concerning friendly relations, but should be carefully re-examined from the legal standpoint, with a view both to its substance and to its drafting. They added that it had been a mistake for the Special Committee to tie its hands by deciding to "abide by" the Declaration, and they urged that a more flexible approach would be taken in the future. Some, arguing that resolution 2131 (XX) could not be taken as reflecting a universal legal conviction, referred to the reservations regarding its non-legal nature expressed by their own delegations and by others at the time the resolution was adopted. It was contended that the Declaration had been hastily

drafted, without full consultation, and one representative stated that in principle a resolution emanating from a political organ could not be included as it stood in a formulation of a principle of international law. It was further contended that the preamble of resolution 2131 (XX) could not be incorporated in the future declaration on friendly relations, and that some of its operative paragraphs (in particular, paras. 6, 7 and 8) dealt with matters other than non-intervention; that other provisions were not as precise as was required in statements of rules of international law; that the resolution made no reference to the duty of the United Nations itself to refrain from intervention, a duty laid down in the Charter; and that the substance and drafting would have to be reviewed in order to fit in with the formulation of other principles in the future declaration on friendly relations.

55. One representative hoped that the Special Committee would not renew the discussion of whether resolution 2131 (XX) represented a universal legal conviction. In his view, the Special Committee should seek to clarify the legal content of the resolution and transfer it into the framework of a declaration on friendly relations.

56. Operative paragraph 6 of the draft resolution first submitted to the Sixth Committee on this part of the item (A/C.6/L.607) requested the Special Committee to consider "any additional proposals... which could widen the area of agreement already expressed in General Assembly resolution 2131 (XX)". After consultations between the sponsors of the draft and the sponsors of the amendments thereto (A/C.6/L.608/Rev.1) (see paras. 15-17 above), that operative paragraph of the draft was finally revised (A/C.6/L.607/Rev.3) to request the Special Committee "to consider proposals... with the aim of widening the area of agreement already expressed in General Assembly resolution 2131 (XX)," (see para. 18 above) and the amendment to the paragraph was withdrawn. After the Sixth Committee approved that draft resolution, one of its sponsors explained his affirmative vote as having resulted from his country's whole-hearted support of resolution 2131 (XX). A number of other representatives, including several of the sponsors of the withdrawn amendments to operative paragraph 6 (A/C.6/L.608/Rev.1), explained their votes as due in part to their satisfaction that that operative paragraph, as revised, gave the Special Committee at its next session sufficient latitude with regard to its work on the principle of non-intervention, in particular with regard to General Assembly resolution 2131 (XX).

57. At the time of voting there was agreement on the wording of all parts of the draft resolution except for operative paragraph 3, where the sponsors of amendment A/C.6/L.608/Rev.2 (see para. 19 above) thought it would be more complete and consequently more accurate to take note also of the decision of the 1966 Special Committee noting the report of the drafting committee that no agreement was reached on the additional proposals made with the aim of widening the area of agreement of resolution 2131 (XX). Some of the sponsors of the draft resolution opposed the amendment, however, on the grounds that it would have the effect of weakening the legal significance of resolution 2131 (XX), that it would be inappropriate to note such a negative factor as the lack of agreement and would give it a disproportionate significance, that the Special Committee had not decided to take note ex-

plicity of the lack of agreement, and that the amendment would add nothing that was not already included in revised operative paragraph 6.

58. Apart from the discussion of the legal value of General Assembly resolution 2131 (XX), representatives made various suggestions as to points which should be included in or omitted from the formulation of the principle. Among the points suggested for inclusion were definitions of the terms "intervention", "the personality of a State", "wars of aggression" and "force"; a condemnation of intervention committed under the pretext of an alleged treaty right, since a treaty purporting to confer such a right would be invalid under general international law and under the Charter; and a prohibition of assistance to subversive elements or rebels, of the clandestine supply of arms and of infiltration of personnel. One representative opposed the inclusion of any reference to self-defence against intervention, since under the Charter only armed attack could justify the use of force in self-defence.

(d) *The principle of the sovereign equality of States*

59. The 1966 Special Committee unanimously adopted a text setting out points of consensus on this principle (see A/6230 above, paras. 403 and 413). This text was the same as that adopted by the 1964 Special Committee, except that the first paragraph was expanded to declare that States are equal members of the international community, notwithstanding differences of an economic, social, political or other nature. This addition was welcomed by several representatives, who considered that it improved the text. One representative, however, thought that the new sentence was not clear and that it would legalize some *de facto* inequalities between States. He suggested that the sentence be redrafted to read: "They have equal rights and duties and are equal members of the international community, notwithstanding the different economic, social and political systems or other way of life they have adopted."

60. Apart from this suggestion, there were no criticisms of the contents of the Special Committee's text, although one representative said that it was unsatisfactory as a whole because it was too obvious and too vague. A considerable number of representatives, however, mentioned various points which they considered should have been included in the text, and expressed the hope that new efforts would be made to cover them. Some representatives also urged that the principle should be examined again with a view to progressive development.

61. The point most frequently mentioned for inclusion was the right of States freely to dispose of their national wealth and natural resources, which some representatives said was an essential aspect of the principle in the economic field. It was suggested that when work was resumed on this point, attention should be given to the text which became General Assembly resolution 2158 (XXI) of 25 November 1966 on permanent sovereignty over natural resources, to General Principle III of the Final Act of the United Nations Conference on Trade and Development, and to a provision included by the Third Committee at the present session in the draft Covenant on Economic and Social Rights. Others expressed regret that the Committee had been unable to achieve agreement on one or another of the compromise texts which had commanded considerable support. While some representatives advocated a formula providing that in the exercise of this right due regard should be paid to

applicable rules of international law and to valid agreements, another said that to subordinate the right to the supremacy of international law would be inconsistent with the principle of sovereign equality.

62. Other points which several representatives wished to see included were the right of each State to remove any foreign military base from its territory, and the prohibition of any experiment or any action which might have harmful effects on other States. One representative said that the text should prohibit aircraft carrying nuclear bombs and other types of weapons of mass destruction from crossing national frontiers. Some also wished to include the right of each State to take part in the solution of international questions affecting its legitimate interests, including the right to join international organizations and to become party to multilateral treaties dealing with such interests. One representative thought that arbitrary discrimination regarding the rights and duties of membership in organizations of the United Nations family should be prohibited.

63. Finally, there was a division of opinion regarding the inclusion of a reference to the supremacy of international law. Some advanced arguments to show that such supremacy was consistent with or was an essential basis for the principle, while others took the contrary view; one representative thought that the disagreement was more apparent than real since the obligation of States to observe valid treaties and valid principles of customary international law was not in question.

(e) *The duty of States to co-operate with one another in accordance with the Charter of the United Nations*

64. A number of representatives regretted that although the Special Committee had seemed to be close to an agreed formulation in regard to this principle it had ultimately proved impossible to reach agreement. It was said that lack of time had been one of the main causes for the lack of success, and one representative saw the lack of agreement as merely a matter of semantics. The hope was expressed that at a further session of the Special Committee, on the basis of the degree of agreement already reached, a text could be formulated on the principle, which was particularly important for the solution of the problems of the developing countries and could help in promoting world economic solidarity and lasting peace.

65. Several representatives stated that the principle constituted a legal as well as a moral duty, and required States to take effective action. One representative said that moral duties were the guideposts for developing new rules within an accepted legal framework, while legal duties were the result of that creative process; acceptance of the duty of co-operation would provide a legal framework for the recognition of the right of all peoples to share in the world's expanding prosperity. He considered, in view of the fact that contact was sometimes lacking between the activities of various bodies of the United Nations and of the specialized agencies, that there was an urgent need to take stock of the progress made to date in international co-operation, and that it might be possible, on the basis of an inventory of agreed texts, to draw up a Charter of Development which would inspire and mould public opinion.

66. Some representatives considered that the duty of co-operation was universal, without any limiting

conditions, not limited to the ambit of the United Nations, and not permitting any discrimination on the ground of differences of political, economic or social systems. One representative, however, said that it was unreasonable to demand universal co-operation without any discrimination whatever. Another took the view that the duty to co-operate in accordance with the Charter was restricted to Members of the United Nations only; he thought it desirable, however, to refer in the text to co-operation in the matter of disarmament and was willing to discuss that matter by reference to the duties of States generally.

67. A few representatives mentioned the principle as applying mainly to the economic and social fields. Others mentioned in addition the political, cultural, scientific and technological fields. One representative said that the principle would be very difficult to apply so long as there were countries in the world whose governments, did not recognize the fundamental principles of human rights.

(f) *The principle of equal rights and self-determination of peoples*

68. A number of representatives regretted the lack of success of the 1966 Special Committee in formulating this principle, but hoped that another session would make it possible to overcome the difficulties caused in 1966 by lack of time, the newness of the question to the Special Committee, and the sheer bulk of material bearing on the question. Some expressed their preferences for one or another of the proposals made in the Special Committee. Others said that the formulation should be based on General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and later related documents adopted in the United Nations and elsewhere; one representative, however, expressed the view that that resolution had no more than persuasive force in the discussion of the legal elements of the principle. Another mentioned General Assembly resolution 2131 (XX) as also furnishing a basis for further work.

69. It was generally agreed by all who spoke in the debate that the principle constituted a rule of international law and not a mere moral precept. It was also agreed that the word "peoples" applied not only to States but also to other entities, in particular, in the view of some representatives, to peoples in colonial countries. One representative specified that the principle applied to the people, as a whole, of a territory constituting a distinct geographical entity. Another, however, expressed concern lest a reference to a geographically distinct territory might not deny the right to self-determination of a number of oppressed peoples. Another raised the question whether "peoples" included minorities, so as to give a right to secession in States having more than one national community.

70. As regards the content of the right, various representatives mentioned the right to freedom and independence; the right freely to choose political, social and economic systems and ways of life without foreign interference; the exercise of full sovereignty over national territory; the right to dispose freely of natural wealth and resources; and the rights to protection under international law, and to obtain assistance from States and international organizations.

71. There was some discussion of the use of force in the exercise of the right of self-determination. Some

representatives said that that right included the right of peoples under colonial domination to use force in self-defence. Some added that States were prohibited from taking measures against peoples struggling for their freedom and independence. One delegation said that General Assembly resolution 2105 (XX) of 20 December 1965, which invited all States to provide material and moral assistance to national liberation movements in colonial territories, confirmed that such assistance was legitimate under international law. Others, however, invited attention to General Assembly resolution 1514 (XV), which declared that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter.

(g) *The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations*

72. A number of representatives said that the failure of the 1966 Special Committee to agree on a formulation in regard to this principle (see A/6230 above, para. 565) was mainly due to a lack of time, and that another session should permit the progress already made to be brought to fruition. In the view of several speakers, the draft articles on the law of treaties submitted to the General Assembly by the International Law Commission in its report on the work of its eighteenth session⁷—and in particular article 23 of that draft, on *pacta sunt servanda*—offered a useful basis for continued work on the principle.

73. There were divergences of opinion concerning the relationship between the future work on the principle and the codification of the law of treaties on the basis of the work of the International Law Commission. Some representatives attributed the lack of success of the 1966 Special Committee in part to the desire of some delegations on that Committee to deal in a formulation of the principle with some of the specific rules and criteria governing the validity of treaties, and they thought it undesirable for the Committee to attempt to settle points which would have to be resolved at the future conferences on the law of treaties; those points should be set aside in order to facilitate agreement in the Special Committee. On the other hand, it was said that some of the draft articles prepared by the International Law Commission had been left with somewhat uncertain content because they impinged on topics within the Special Committee's terms of reference; the Special Committee should study those aspects, and the considered views of that Committee and of the General Assembly on them might be helpful to the conference on the law of treaties.

74. It was said that one of the matters on which there had been division of opinion in the Special Committee was the inclusion of a reference to sovereign equality. Some representatives considered it essential to deal with that aspect, in particular because the principle would not be respected as long as the problem of unequal treaties was left unsolved, and because the principle applied only to obligations which had been freely assumed: one representative expressed the view that any obligations undertaken by a people still under colonial domination were vitiated *ab initio*. Others thought that detailed examination of these matters should be left to the conference on the law of treaties.

⁷ See *Official Records of the General Assembly, Twenty-first Session, Supplement No. 9.*

75. Another matter of difficulty, it was said, was the inclusion in the formulation of the principle of Article 103 of the Charter, which provided that in the event of conflict between the obligations of Members under the Charter and their obligations under any other international agreement, the Charter obligations should prevail. Some representatives expressed a desire for such an inclusion; one added that the principle rendered invalid a treaty provision allowing intervention, for example, which was not permitted under the Charter.

76. It was agreed that good faith was an essential element in the formulation of the principle. One representative thought that good faith meant that in their international relations States must respect the sovereign and legitimate interests of other States.

B. QUESTION OF METHODS OF FACT-FINDING

77. This question was not referred to the 1966 Special Committee and was considered by the Sixth Committee in pursuance of General Assembly resolution 2104 (XX) of 20 December 1965 and on the basis of reports of the Secretary-General and of comments of Governments.

78. One representative stated that inquiry was an undeveloped element among the means of peaceful settlement of international disputes, and shortcomings in the area of fact-finding machinery gave rise to difficulties for international organs and for States; it was therefore desirable to take a new initiative in that field. Others stressed the importance of fact-finding in international life but some of them expressed a preference for entrusting that function either to *ad hoc* bodies composed of persons with special knowledge of the disputed question, to existing organizations, or to judicial bodies of whose normal procedure fact-finding was an element, while others reserved their positions regarding steps to be taken.

79. The discussion of possible new measures centred on a suggestion in written comments of the Government of the Netherlands (A/6373 and Add.1) of the creation of a new, permanent fact-finding body, complementary to the existing machinery, whose competence would be entirely on a voluntary basis and whose method of work would be determined in accordance with the needs of each case; this body, which would be strictly limited to fact-finding rather than conciliation, could be used to establish facts relating to disputes or to the execution of international agreements. One representative said that while it had been demonstrated that there were advantages in permanent fact-finding machinery, before any action was taken a study should be made of why States did not use existing machinery for this purpose; another stated that he was in favour of the creation of any organ which could contribute to the peaceful settlement of disputes. Still another stated that an international fact-finding body was needed if the principles of international law were to be translated into reality.

80. A number of representatives either reserved their position about the creation of a new fact-finding body, expressed doubts about the advisability of doing so or expressed opposition to the idea. It was said that *ad hoc* bodies were superior for the purpose, that existing machinery such as the Panel for Inquiry and Conciliation established by General Assembly resolution 268 D (III) of 28 April 1949 remained unused and that it was difficult to imagine a single body capable of establishing facts in all the different kinds of disputes

which might arise. Some of these representatives reserved their position regarding the preambular paragraph of the resolution recommended by the Sixth Committee, which refers to a study of the feasibility and desirability of establishing a special international body for fact-finding or of entrusting fact-finding responsibilities to an existing organization.

81. As regards the action to be taken at the current session of the General Assembly, it was recognized that neither the 1964 Special Committee (to which the question of methods of fact-finding had been referred) nor the Sixth Committee had had an opportunity for full discussion of the question and hence it was not possible to take a final decision on it until the next regular session of the General Assembly. It was agreed, however, that the item should be placed on the provisional agenda of the twenty-second session in order to consider what further action might be appropriate.

82. The co-sponsors of the draft resolution (A/C.6/L.610 and Add.1), in paragraph 21 above, and some other representatives thought that it was desirable that the Main Committee dealing with the item at the twenty-second session should have the assistance of a working group appointed by the Chairman of that Committee, as the materials to be studied were too complex to be dealt with in the Main Committee. That view was reflected in the seventh preambular paragraph of the draft resolution. Some others, however, thought it undesirable to prejudice the action to be taken by the competent Committee at the next session. The amendments submitted by the Ukrainian Soviet Socialist Republic (A/C.6/L.612), later co-sponsored by Hungary, proposed *inter alia* the deletion of the preambular paragraph in question. The co-sponsors of the draft resolution and those of the amendment later agreed on a compromise text from which that preambular paragraph was omitted (see paras. 22 and 23 above), one of the co-sponsors of the draft resolution stated that they agreed to the deletion of the seventh preambular paragraph on the understanding that they nevertheless maintained their position in regard to it, and that that understanding would be recorded in the report of the Sixth Committee.

IV. Voting

83. At its 942nd meeting, the Sixth Committee voted on the draft resolutions and amendments thereto.

A. CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

84. Voting on revised draft resolution A/C.6/L.607/Rev.3 and Add.1 and the revised amendment thereto (A/C.6/L.608/Rev.2) took place as follows:

(a) The amendment submitted by Australia, Canada, Jamaica, Japan, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.6/L.608/Rev.2) to operative paragraph 3 of the thirty-three Power draft resolution (A/C.6/L.607/Rev.3 and Add.1) was rejected by a roll-call vote of 54 to 18, with 12 abstentions. The voting was as follows:

In favour: Australia, Belgium, Canada, China, Denmark, France, Greece, Iceland, Italy, Jamaica, Japan, Netherlands, New Zealand, Norway, Philippines, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Guatemala, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Kenya, Kuwait, Lebanon, Libya, Madagascar, Mexico, Mongolia, Nepal, Nicaragua, Nigeria, Panama, Poland, Romania, Sierra Leone, Syria, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela, Yugoslavia.

Abstaining: Austria, Ceylon, Finland, Iran, Ireland, Israel, Liberia, Somalia, Sweden, Thailand, Tunisia, Turkey.

(b) The thirty-three-Power draft resolution (A/C.6/L.607/Rev.3 and Add.1) was then adopted by 83 votes to none, with 2 abstentions.

85. At the 942nd meeting, the representatives of Australia, Belgium, Brazil, Canada, Ceylon, Chile, France, Greece, Italy, Japan, Nepal, New Zealand, Panama, Somalia, Spain, United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela explained their vote on the draft resolution and the amendment thereto.

B. QUESTION OF METHODS OF FACT-FINDING

86. The thirteen-Power draft resolution (A/C.6/L.610 and Add.1) as orally amended (see para. 23 above), was adopted unanimously.

87. At the 942nd meeting, the representatives of Bulgaria, Chad, Colombia, Cuba, Czechoslovakia, Hungary, Mongolia, Nigeria, Poland, Romania, Somalia, Sudan, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics explained their vote.

V. Recommendations of the Sixth Committee

88. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

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.]

DOCUMENT A/6564

Financial implications of draft resolution I submitted by the Sixth Committee in document A/6547

Report of the Fifth Committee

[Original text: English]
[9 December 1966]

1. At its 1163rd meeting, held on 8 December 1966, the Fifth Committee considered the note by the Secretary-General (A/C.5/1095) on the administrative and financial implications of the eventual adoption by the General Assembly of draft resolution I recommended by the Sixth Committee (see A/6547, para. 88). The Committee also had before it the related report of the Advisory Committee on Administrative and Budgetary Questions (A/6556).

2. The Fifth Committee decided to advise the General Assembly that, should it adopt the draft resolution submitted by the Sixth Committee, an additional appropriation in the amount of \$110,000 would be required under a new chapter of section 2 (Special meetings and conferences) of the budget for the financial year 1967.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1489th plenary meeting, on 12 December 1966, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (A/6547, para. 88), draft resolution I being adopted by 85 votes to none, with 2 abstentions, and draft resolution II being adopted unanimously. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2181 (XXI) and 2182 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 87 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/AC.125/...	Documents of the 1966 Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States	Documents in this series are mimeographed
A/C.6/L.607 and Add.1 and 2	Cameroon, Chile, Colombia, Czechoslovakia, Ecuador, Guatemala, Honduras, India, Mexico, Nigeria, Panama, Sudan, United Arab Republic, Uruguay, Venezuela and Yugoslavia: draft resolution	See A/6547, para. 13
A/C.6/L.607/Rev.1 and Add.1	Bolivia, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Hungary, India, Madagascar, Mexico, Mongolia, Nepal, Nicaragua, Nigeria, Panama, Paraguay, Peru, Poland, Sudan, United Arab Republic, Uruguay, Venezuela and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 14
A/C.6/L.607/Rev.2	Bolivia, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Hungary, India, Lebanon, Madagascar, Mexico, Mongolia, Nepal, Nicaragua, Nigeria, Panama, Paraguay, Peru, Poland, Sudan, United Arab Republic, Uruguay, Venezuela and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 16
A/C.6/L.607/Rev.3 and Add.1	Bolivia, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Ghana, Guatemala, Honduras, Hungary, India, Lebanon, Madagascar, Mexico, Mongolia, Nepal, Nicaragua, Nigeria, Panama, Paraguay, Peru, Poland, Romania, Sudan, United Arab Republic, Uruguay, Venezuela and Yugoslavia: revised draft resolution	Adopted without change. See A/6547, para. 88, draft resolution I
A/C.6/L.608	Australia, Canada, Jamaica, Japan, New Zealand, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America: amendments to document A/C.6/L.607/Rev.1 and Add.1	See A/6547, para. 15
A/C.6/L.608/Rev.1	Australia, Canada, Jamaica, Japan, New Zealand, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America: amendments to document A/C.6/L.607/Rev.2	<i>Ibid.</i> , para. 17
A/C.6/L.608/Rev.2	Australia, Canada, Jamaica, Japan, New Zealand, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America: amendments to document A/C.6/L.607/Rev.3 and Add.1	<i>Ibid.</i> , para. 19
A/C.6/L.609	Financial implications of the draft resolution contained in document A/C.6/L.607/Rev.1 and Add.1: note by the Secretary-General	Mimeographed
A/C.6/L.610 and Add.1	Colombia, Dahomey, Ecuador, Jamaica, Japan, Liberia, Madagascar, Mexico, Netherlands, Pakistan, Somalia, Togo and Turkey: draft resolution	Adopted as amended at the 942nd meeting of the Sixth Committee. See A/6547, para. 88, draft resolution II
A/C.6/L.612 and Add.1	Hungary and Ukrainian Soviet Socialist Republic: amendments to document A/C.6/L.610 and Add.1	See A/6547, para. 22



Agenda item 88:* Progressive development of the law of international trade**

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Sixth Committee*, 946th to 953rd and 955th meetings; *ibid.*, *Fifth Committee*, 1170th meeting; and *ibid.*, *Plenary Meetings*, 1497th meeting.

** This question was also discussed by the General Assembly at the twentieth session (agenda item 92).

DOCUMENTS A/6396 AND ADD.1 AND 2

Report of the Secretary-General

DOCUMENT A/6396***

[Original text: English and French]
[23 September 1966]

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† Note: The designations employed and the presentation of the material in this report do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory or of its authorities, or concerning the delimitation of its frontiers.

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Introduction

1. This report is submitted pursuant to resolution 2102 (XX), adopted by the General Assembly on 20 December 1965.

2. In the discharge of his responsibilities under the terms of operative paragraph 1 of that resolution, the Secretary-General retained the services of Professor Clive M. Schmitthoff of the City of London College, a well-known authority on the law of international trade, who was requested to prepare a preliminary study on the subject.

3. On the basis of Dr. Schmitthoff's study the Secretary-General prepared a draft report which was

sent for comments to the following experts: Dra. Margarita Arguas (Argentina), Dr. Taslim O. Elias (Nigeria), Professor Gyula Eörsi (Hungary), Professor Willis L. Reese (United States), and Professor Mustafa Kamil Yasseen (Iraq).

4. The experts consulted expressed agreement with the conclusions reached in the report and with the suggestions made therein. They also contributed valuable comments and proposals, which were taken into account in the preparation of the final version of this report.

5. During the debate on this item in the Sixth Committee it was agreed that "consultations with the International Law Commission, other United Nations organs

and autonomous institutions should be conducted informally by the Secretary-General.¹ Accordingly, the views of the Commission were sought as to whether it would be in a position to undertake additional responsibilities in the area of international trade law. The Secretary-General has been advised that, in view of its manifold activities and responsibilities and considering its extensive agenda, the Commission does not believe that it would be appropriate for it to become responsible for work in the field of the progressive development of the law of international trade.

6. In the preparation of this report the Office of Legal Affairs consulted the Secretariat units most directly concerned, namely, the Department of Economic and Social Affairs, the Centre for Industrial Development, the United Nations Conference on Trade and Development (UNCTAD), and the United Nations regional economic commissions. Consultations were also conducted with the following specialized agencies: the Inter-Governmental Maritime Consultative Organization (IMCO), the International Bank for Reconstruction and Development (IBRD), and the International Civil Aviation Organization (ICAO); and with the following other institutions: International Institute for the Unification of Private Law (UNIDROIT), the Hague Conference on Private International Law, the International Chamber of Commerce (ICC), and the United International Bureaux for the Protection of Intellectual Property (BIRPI).

7. The Secretary-General wishes to record his appreciation for the useful comments and suggestions received; some of these suggestions have been incorporated in the report. While it was not feasible to publish all of the comments received in the course of these consultations, in order to provide the General Assembly with as much information as possible, certain observations submitted by The Hague Conference on Private International Law and by the International Institute for the Unification of Private Law, being of a more general nature, are given in an addendum to this report (A/6396/Add.1).

8. This report consists of four chapters. Chapter I describes the scope of the concept of "law of international trade" and the techniques used to reduce conflicts and divergencies arising from the laws of different countries in matters relating to international trade. It also contains a brief historical survey of the different stages through which the law of international trade has developed. Chapter II consists of a broad survey of the work done by inter-governmental organizations and groupings and by non-governmental organizations in the harmonization and unification of the law of international trade as well as on directly related subjects. Chapter III deals with the methods used in the progressive harmonization and unification of the law of international trade and discusses some of the advantages and disadvantages of world-wide, regional and other approaches. It also indicates topics which might be suitable for harmonization and unification. Chapter IV discusses the progress and shortcomings of the work done until now in this field, the desirable action to remedy such shortcomings and the possible role of the United Nations in furthering the progressive development of the law of international trade. Finally, the report discusses the possibility of establishing a United

Nations commission on international trade law and suggests the functions and responsibilities of the commission and its secretariat.

9. There are also three annexes to the report containing additional data on the activities of organizations concerned with the subject and other relevant information.

I. The law of international trade

A. Concept of "law of international trade"

10. For the purposes of General Assembly resolution 2102 (XX) and as used in this report, the expression "law of international trade" may be defined as the body of rules governing commercial relationships of a private law nature involving different countries. This definition is consistent with the concept of the law of international trade described in the explanatory memorandum of the Permanent Representative of Hungary² and in the Secretariat note submitted to the twentieth session of the General Assembly, which listed the following as examples of topics falling within the scope of the law of international trade:³

- (a) International sale of goods:
 - (i) Formation of contracts;
 - (ii) Agency arrangements;
 - (iii) Exclusive sale arrangements.
- (b) Negotiable instruments and banker's commercial credits.
- (c) Laws relating to conduct of business activities pertaining to international trade.
- (d) Insurance.
- (e) Transportation:
 - (i) Carriage of goods by sea;
 - (ii) Carriage of goods by air;
 - (iii) Carriage of goods by road and rail;
 - (iv) Carriage of goods by inland waterways.
- (f) Industrial property and copyright.
- (g) Commercial arbitration.

11. The scope of this report does not extend to international commercial relations on the level of public law, such as those relating to the attitude and behaviour of States when regulating, in the exercise of their sovereign power, the conduct of trade affecting their territories. Illustrations of commercial relationships of this type are bilateral treaties of commerce or multilateral treaties such as the General Agreement on Tariffs and Trade (GATT) or the Rome Treaty establishing the European Economic Community. International commodity arrangements are also excluded from the scope of this report.

12. On the other hand, international commercial relations on the level of private law entered into by governmental and other public bodies or, particularly in countries of centrally planned economy, by foreign trade corporations, are deemed to be included within the definition of the law of international trade.

13. Another area within the concept of the law of international trade is that of conventions, the object of which is the regulation of a topic of international trade law, such as the Brussels Convention of 1924 for the Unification of Certain Rules relating to Bills of Lading

² *Ibid.*, Nineteenth Session, Annexes, annex No. 2, document A/5728.

³ *Ibid.*, Twentieth Session, Annexes, agenda item 92, document A/C.6/L.572, para. 3.

¹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 92, document A/6206, para. 18.

for the Carriage of Goods by Sea, the Hague Convention of 1964 relating to a Uniform Law on the International Sale of Goods (Corporeal Movables), The Hague Convention of 1964 relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (Corporeal Movables), and The Hague Convention on the Law Applicable to International Sales of Corporeal Movables of 15 June 1955.

B. Legal techniques used to reduce conflicts and divergencies

14. As indicated in the preamble to General Assembly resolution 2102 (XX), "conflicts and divergencies arising from the laws of different States in matters relating to international trade constitute an obstacle to the development of world trade".

15. In order to reduce such conflicts and divergencies two basic techniques have been followed, which are different but complementary: the first relates to the choice of law rules within the framework of private international law, and the second relates to the progressive unification and harmonization of substantive rules.

1. CHOICE OF LAW RULES

16. The purpose of the first technique is to establish rules regulating the conflict of laws, i.e., rules relating to the choice of competing substantive laws applicable to a particular transaction, and rules governing the determination of the competence of courts in a particular litigation. This has been described as the "clinical" method of "finding the best possible solution of the acute case at bar".⁴ The Bustamante Code, Book II of which is entitled "International Commercial Law", is the most comprehensive attempt made so far to establish conflict rules in the field of the law of international trade (see paras. 129-130 below). The contribution of The Hague Conference on Private International Law in this area is described in paragraphs 38 to 49 below.

2. HARMONIZATION AND UNIFICATION OF SUBSTANTIVE RULES

17. The second, which has been described as the "preventive" method, has the purpose of avoiding law conflicts.⁵ The contribution of the International Institute for the Unification of Private Law, which is the organization most directly specializing in this subject, is described in paragraphs 27 to 37 below.

18. The most effective method of conflict avoidance is undoubtedly the universally accepted regulation of a particular transaction. There can be no conflict of laws where a common solution is accepted by all municipal laws. Thus, before the Reformation, law conflicts relating to the validity and dissolution of marriage

⁴ See Hilding Eek, *The Swedish Conflicts of Laws* (The Hague, Nijhoff, 1965), p. 272.

⁵ As the representative of Chira observed, "... should the various countries succeed in enacting uniform rules of substantive law, the rules of private international law would no longer be relevant since those rules presupposed that municipal laws would remain intact and merely sought to mitigate the disadvantages arising from them." He recalled "Beckett's comment that private international law was in a sense the antithesis of the universal unification of law. Its *raison d'être* was the existence in different countries and sometimes in the very same country of different systems of law... both the process of codification of private international law and that of unification of private law were designed to promote international trade, provided they advanced by degrees and did not turn out to have aims which were incompatible." (See *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 895th meeting, paras. 13 and 15.*)

—which are so frequent today—hardly existed in Western Europe because the law of the Roman Catholic Church was universally accepted in that area.

19. Of a similar nature was the mediaeval law merchant. In the structure of mediaeval society the merchants formed a cosmopolitan class which was active at the fairs, markets and ports of all European countries. Commercial custom, universally accepted, developed legal institutions which, to the present day, are the normal instruments of international trade. Amongst them are the bill of exchange, the bill of lading, insurance, the commercial corporation and the customs of the sea.

C. Development of the law of international trade

20. The development of the law of international trade has gone through three stages. In the first phase it appeared in the form of the mediaeval *lex mercatoria*, a body of universally accepted rules.⁶ In the second stage it was incorporated into the municipal law of the various national States which succeeded the feudal stratification of mediaeval society. The culmination of this development was the adoption in France of the *Code de commerce* of 1807,⁷ in Germany the promulgation of the *Allgemeine Handelsgesetzbuch* of 1861,⁸ and in England the incorporation of the custom of merchants into the common law by Lord Mansfield.⁹ The third stage in the development of the law of international trade is contemporary. Commercial custom has again developed widely accepted legal concepts, particularly such trade terms as f.o.b. and c.i.f., and the institution of the bankers' commercial credit, and international conventions have brought a measure of unification in important branches of the law of negotiable instruments, of transport by sea, air and land, of arbitration and other topics.

21. The law of international trade in the third stage of its development shows three characteristics. First, the rules of international trade exhibit a remarkable similarity in all municipal jurisdictions. Secondly, their application in the various municipal jurisdictions is provided for by the authority of the national sovereigns. Thirdly, their formulation is brought about by international agencies created by Governments or by non-governmental bodies. These three characteristics require further examination.

1. SIMILARITY

22. The similarity of the law of international trade transcends the division of the world between countries of free enterprise and countries of centrally planned economy, and between the legal families of the civil law of Roman inspiration and the common law of English tradition.¹⁰ As a Polish scholar observed, "the law of external trade of the countries of planned economy does not differ in its fundamental principles from the law of

⁶ See e.g., Gérard de Malynes' *Lex Mercatoria*, first published in 1636.

⁷ Preceded by the *Ordonnance sur le commerce* of Louis XIV of 1673 and Colbert's *Ordonnance de la marine* of 1681.

⁸ Preceded by the *Allgemeine Wechselordnung* of 1848. The *Allgemeine Handelsgesetzbuch* of 1861 is still in operation in Austria; in Germany it was superseded by the *Handelsgesetzbuch* of 1897.

⁹ See T. F. T. Plucknett, *A Concise History of the Common Law*, 4th ed., (London, Butterworth, 1948), p. 332.

¹⁰ See Clive M. Schmitthoff, "The Law of International Trade, Its Growth, Formulation and Operation" in *The Sources of the Law of International Trade with special reference to East-West Trade*, edited by Clive M. Schmitthoff (New York, Praeger, 1964), p. 3.

external trade of other countries, such as e.g., Austria or Switzerland. Consequently, international trade law specialists of all countries have found without difficulty that they speak a 'common language'.¹¹

23. The reason for this universal similarity of the law of international trade is that this branch of law is based on three fundamental propositions: first, that the parties are free, subject to limitations imposed by the national laws, to contract on whatever terms they are able to agree (principle of the autonomy of the parties' will); secondly, that once the parties have entered into a contract, that contract must be faithfully fulfilled (*pacta sunt servanda*) and only in very exceptional circumstances does the law excuse a party from performing his obligations, viz., if *force majeure* or frustration can be established; and, thirdly, that arbitration is widely used in international trade for the settlement of disputes, and the awards of arbitration tribunals command far-reaching international recognition and are often capable of enforcement abroad.

2. APPLICATION

24. It is generally recognized that the modern law of international trade is not imposed by an international legislator or applied in the municipal jurisdictions *proprio vigore* as part of the *jus gentium*. The law of international trade is applied in the municipal jurisdictions by leave and licence of the national sovereigns.¹² It follows that national public policy or *ordre public* of a particular State will, in principle, override or qualify a rule of international trade law. It has been observed that "in the application of the rules of international trade internal order is sufficiently protected by *ordre public*, and there is, therefore, no need for restriction of the scope of their application by postulating the requirement of bilateral application".¹³

3. FORMULATION

25. The formulation of the rules of international trade by international "formulating agencies" is the outstanding characteristic of the modern development of international trade law. Some of these agencies are United Nations organs, as for example, the Economic Commissions for Europe, Asia and the Far East, Latin America and Africa. Others are inter-governmental organizations, as for example, the International Institute for the Unification of Private Law, the Hague Conference on Private International Law, the Council for Mutual Economic Assistance. Some agencies are formed by merchants, for example, the International Chamber of Commerce and the International Maritime Committee and others by international jurists, such as the International Law Association. The work of the aforementioned, as well as of other "formulating agencies" is described in chapter II of the present report.

II. Survey of the work in the field of harmonization and unification of the law of international trade

26. This chapter contains a brief description of the inter-governmental organizations and groupings and the

non-governmental organizations which have been active in this field, together with a survey of their work in the progressive harmonization and unification of the law of international trade. In order to provide the General Assembly with a broad picture of the subject, the survey has in some cases been extended to activities which, although they might not fall strictly within the purview of international trade law, are directly related thereto.

A. Inter-governmental organizations

1. THE INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

27. The Institute, which is generally referred to as UNIDROIT or the Rome Institute, has its seat at Rome and was established by a multilateral treaty in 1926 under the aegis of the League of Nations. Its present constitution is contained in the Statute of the Institute of 15 March 1940, as amended in June 1957, July 1958 and December 1963. Article 2 of the Statute provides that the Institute "is an international body responsible to the participating Governments", and according to Article 5 the General Assembly of the Institute "shall consist of one representative from each of the participating Governments". Governments other than the Italian Government are represented by their diplomatic representatives accredited to the Italian Government, or by their deputies.

28. At present, the Governments of forty-three countries¹⁴ are members of UNIDROIT. Geographically twenty-four of the member countries are European, eleven are Latin American, five are Asian, two are African and one is North American. The majority of the member countries consist of countries of free enterprise economy. Although at the present time most of the member countries are European, the Institute is engaged in efforts to expand its membership.

29. The work of the Rome Institute in the preparation of draft conventions is widely recognized as being of great value. A list of the items currently on the working programme of the Institute and a list of items on which the Institute has been working in the past will be found in annex II.

30. The drafts prepared by the Institute formed the basis of conventions which have been adopted by diplomatic conferences, notably the Convention relating to a Uniform Law on the International Sale of Goods (Corporeal Movables) and the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (Corporeal Movables) which were concluded at the Diplomatic Conference on the Unification of Law governing the International Sale of Goods convened by the Government of the Netherlands and held at The Hague in April 1964. The Conventions were opened for signature on 1 July 1964. Of the twenty-seven States which signed the Final Act of the Conference, all but three (Bulgaria, Hungary and Yugoslavia) are countries of free enterprise economy and geographically twenty-two are located in Europe, three in Latin America and North America and two in

¹¹ See Henryk Trammer, "The Law of Foreign Trade in the Legal Systems of the Countries of Planned Economy," *ibid.*, p. 42.

¹² See Clive M. Schmitthoff, "The Law of International Trade, Its Growth, Formulation and Operation," *ibid.*, p. 4.

¹³ See Aleksandar Goldstajn, "International Conventions and Standard Contracts as Means of Escaping from the Application of Municipal Law," *ibid.*, p. 109.

¹⁴ Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, Colombia, Cuba, Denmark, Ecuador, Federal Republic of Germany, Finland, France, Greece, Holy See, Hungary, India, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia.

Asia. Any State Member of the United Nations or any of the specialized agencies may become a party to these Conventions.¹⁵

31. The work of the Rome Institute on the international codification of the law relating to the sale of goods and connected topics includes also four uniform laws in preparation, viz., on the conditions of validity of the contract of sale; on the protection of the bona fide purchaser of goods (corporeal movables); on the contract of commission on the international sale or purchase of goods (draft convention); and on credit sale and hire-purchase.

32. Draft conventions of the Rome Institute relating to topics other than the sale of goods likely to be considered by diplomatic conferences in 1967 are the following: the draft convention on the contract for the international carriage of passengers and luggage by road; the draft convention on the contract of international combined carriage of goods; and the draft convention on the contract of forwarding agency in the international carriage of goods.

33. Some of the drafts of the Rome Institute were not submitted directly to diplomatic conferences but formed the basis for measures promoted by other international agencies. Thus, the Draft Convention on the Contract for the International Transport of Goods by Roads formed the basis of the Convention on the Contract for the International Carriage of Goods by Road (CMR), concluded under the auspices of the United Nations Economic Commission for Europe in 1956; and the Draft Uniform Law on Compulsory Insurance of Motorists formed the basis of the Benelux Treaty of 1955 on the Compulsory Insurance against Civil Liability in respect of Motor Vehicles, and the European Convention on Compulsory Insurance of Motorists, concluded under the auspices of the Council of Europe.

34. Apart from these proposals for the unification of particular topics of private law, the Rome Institute is engaged in research into ways and means of advancing the task of unification.¹⁶ It is, in particular, preparing two studies: one on methods of unification and harmonization of law, and the other on measures designed to ensure uniformity of interpretation of uniform laws.

35. The Rome Institute has issued a number of valuable publications, the most important of which are:

¹⁵ For analyses and comments on The Hague Conventions, see e.g. Philippe Kahn, "La Convention de la Haye du 1er juillet 1964 portant loi uniforme sur la vente internationale des objets mobiliers corporels" in *Revue trimestrielle de droit commercial* (Paris), vol. 17, 1964, p. 45; John Honnold, "The Uniform Law for the International Sale of Goods: The Hague Convention of 1964" in *Law and Contemporary Problems* (Durham, North Carolina), vol. 30, 1965, p. 326; Harold Berman, "The Uniform Law on International Sale of Goods: A Constructive Critique," *ibid.*, p. 354; Gunnar Lagergren, "The Uniform Law on Formation of Contracts for the International Sale of Goods" in *Journal of Business Law* (London, 1966), p. 22; Ernst von Caemmerer, "Internationales Kaufrecht" in *Festschrift für Hans Carl Nipperdey...* (Munich, Beck, 1955), p. 211; André Tunc, *Commentary of The Hague Convention of 1 July 1964 on the International Sale of Goods and on the Formation of Contracts of Sale* (The Hague, Ministry of Justice 1966); Jorge Barrera Graf, *La Reglamentación uniforme de las compraventas internacionales de mercaderías* (México, D.F., Universidad Nacional Autónoma, 1965).

¹⁶ See Antonio Malintoppi, "The Uniformity of Interpretation of International Conventions on Uniform Laws and of Standard Contracts," in Schmitthoff, *op. cit.*, pp. 127-137.

(a) The yearbook, *Unification of Law*, which presents a general survey of the work on the unification of private law with specific reference to conventions and draft conventions.

(b) The quarterly, *Uniform Law Cases*, which contains decisions of national courts on conventions and uniform laws. In particular, leading cases on the following are included: the Brussels Convention of 1924 on Bills of Lading; the Warsaw Convention of 1929 on International Carriage by Air; the Geneva Convention on Negotiable Instruments of 1930 and 1931.

(c) Tables of legal activities on the programmes of certain international organizations, which are prepared by the secretariat of the Institute in connexion with meetings of the organizations concerned with the unification of law, arranged by the Rome Institute. So far three meetings have been held, the first in 1956, the second in 1959, and the last in 1963.¹⁷ A list of inter-governmental and non-governmental organizations which took part in the third meeting is given in annex II.

36. The latest table has been brought up to date to 1 January 1966 by the Institute and may be found in Annex III.

37. It should further be noted that in 1959 the Rome Institute concluded an arrangement with the United Nations on the reciprocal exchange of information and documentation, in order to promote co-operation and co-ordination between the United Nations and the Institute. This arrangement was made pursuant to resolution 678 (XXVI) of 3 July 1958 of the Economic and Social Council.

2. THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

38. The origin of the Hague Conference can be traced to the influence of the renowned Italian jurist Pasquale Mancini. He submitted a report¹⁸ to the second session of the Institute of International Law in Geneva in 1874 in which he advocated the unification of the rules of the conflict of laws in the various national jurisdictions. The first Hague Conference on Private International Law was convened by the Government of the Netherlands and held in 1893.¹⁹ The Conference originally held its sessions on an *ad hoc* basis, but subsequent meetings took place with a certain regularity though at long intervals. At its seventh session in 1951, the Conference adopted its present Statute which entered into force on 15 July 1955 as a multilateral international treaty.²⁰

39. According to article 1 of the Statute, it is the objective of the Conference to work for the progressive unification of the rules of private international law. These objectives are thus quite different from those of the Rome Institute, which attempts to unify specified

¹⁷ The record of the IIIrd Meeting may be found in *Unification of Law: Yearbook, 1963* (Rome, Editions Umidroit, 1964).

¹⁸ See "Utilité de rendre obligatoires pour tous les Etats, sous la forme d'un ou de plusieurs traités internationaux, un certain nombre de règles générales du droit international privé, pour assurer la décision uniforme des conflits entre les différentes législations civiles et criminelles" in *Revue de droit international*, (Paris), vol. 7, 1931, p. 329.

¹⁹ The decision to convene this first Conference owed much to the initiative of Tobias Asser, who subsequently served as President of the first four Hague Conferences (1893, 1894, 1900, 1904).

²⁰ United Nations, *Treaty Series*, vol. 220 (1955), No. 2997, p. 121.

branches of substantive law of different countries. The Statute provides in article 2 that countries which have taken part in one or several sessions of the Conference and accept the Statute shall be members of the Conference. Other States may be admitted as members by decision of the majority of votes cast by the participating members. In addition to the sixteen States which were represented at the adoption of the Statute,²¹ eight have become members of the Hague Conference: Czechoslovakia, Greece, Ireland, Israel, Turkey, the United Arab Republic, the United States of America, and Yugoslavia. Hungary, Liechtenstein and Poland have signed or adhered to Conventions sponsored by the Conference but have not become members. Of the twenty-four member States, only two—Czechoslovakia and Yugoslavia—have centrally planned economies. Twenty States are European, two are Asian, one is African (United Arab Republic), and one is North American (United States of America). None of the Latin American countries participated, perhaps because they have their own arrangements for the unification of conflict of laws rules, which are to be found in the Treaties of Montevideo and the Bustamante Code (see paras. 129-134 below).

40. The method of operation of the Conference is to prepare draft conventions for adoption by member States at the sessions of the Conference. The Conference also promotes the signature and ratification of conventions prepared by it and, where appropriate, the incorporation by States of the terms of these instruments into their national legislation. These activities distinguish the Conference from the Rome Institute and from certain other formulating agencies.

41. While the earlier conventions deal mainly with family law, some of the conventions adopted by the seventh to tenth sessions attempt to unify conflict rules to international trade law.

42. The most successful Hague Convention pertaining to international trade law is the Convention on the Law Applicable to International Sales of Goods of 15 June 1955.²² This Convention is in force with respect to Belgium, Denmark, Finland, France, Italy and Norway as of 1 September 1964 and with respect to Sweden as of 6 September 1964. The main provisions of this Convention have been summed up by an English writer as follows:

"A contract for the sale of goods is regulated by the domestic law of the country designated by the parties. Failing such a designation, the contract is regulated by the domestic law of the country where the seller has his habitual residence at the time when he receives the order. If the order is received by a branch office of the seller the contract is regulated by the domestic law of the country where such branch is located. Nevertheless the contract is regulated by the domestic law of the country where the buyer has his habitual residence if the order has been received in that country by the seller or his agent."²³

43. The conflict regulation in favour of the substantive law of seller's country has also been used in para-

graph 74 of the General Conditions of Delivery of Goods, 1958, of the Council for Mutual Economic Assistance (see paras. 115-120 below), and in the arbitration clauses of the General Conditions of Sales, Nos. 188, 574 and 730 of the United Nations Economic Commission for Europe (see paras. 67-74 below).

44. Mention should also be made of Convention Relating to Civil Procedure signed at The Hague on 1 March 1954,²⁴ which is important for international commerce in that it deals with the enforcement of obligations sought in the national courts of the parties concerned. The States Parties to the Convention are Austria, Belgium, Czechoslovakia, Denmark, the Federal Republic of Germany, Finland, France, Hungary, Italy, Luxembourg, the Netherlands, Norway, Poland, Spain, Sweden, Switzerland and Yugoslavia.

45. Another Convention promoted by the Hague Conference which has come into operation is the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.²⁵ This Convention was concluded on 5 October 1961; it came into operation for France, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia on 24 January 1965, for the Netherlands on 8 October 1965, and for the Federal Republic of Germany on 13 February 1966.

46. Other conventions in the field of international commercial law promoted by the Hague Conference which have not yet entered into force are: the Convention on the Law Applicable for the Transfer of Property in International Sales of Corporeal Movables of 15 April 1958; the Convention on the Jurisdiction of an Agreed Court in International Sales of Corporeal Movables of 15 April 1958; the Convention on the Recognition of the Legal Personality of Companies, Associations and Foreign Foundations of 1 June 1956; the Convention on the Choice of Court of 25 November 1965; and the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matters of 26 April 1966.

47. The Conference concluded an Agreement with the Council of Europe under which the latter will not deal with the unification of private international law and will refer to the Hague Conference all proposals on that subject which are made at its meetings. The Council may invite the Conference to elaborate a convention on a specific matter. Both the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, of 5 October 1961, and the draft Convention on the Recognition and Enforcement of Foreign Judgements (Final Act of 26 April 1966) were drafted as a direct result of such requests.

48. All of the proceedings of the Conference and many of the documents submitted by Governments or drafted by the secretariat are published in volumes bearing the title *Actes et documents de la Conférence de La Haye de droit international privé, ... session*.

49. In 1958 the Hague Conference concluded an arrangement with the United Nations similar to that which exists between the Rome Institute and the United Nations, providing for co-operation, co-ordination and exchange of information and documentation. As in the case of the Rome Institute, this arrangement was made pursuant to resolution 678 (XXVI) of 3 July 1958 of the Economic and Social Council.

²¹ Austria, Belgium, Denmark, Federal Republic of Germany, Finland, France, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

²² United Nations, *Treaty Series*, vol. 510 (1964), No. 7411, p. 147.

²³ See G. C. Cheshire, "International Contracts for the Sale of Goods," in *Journal of Business Law* (London, 1960), p. 285.

²⁴ United Nations, *Treaty Series*, vol. 286 (1958), No. 4173, p. 265.

²⁵ *Ibid.*, vol. 527 (1965), No. 7625, p. 189.

3. THE LEAGUE OF NATIONS

50. The activities of the League of Nations with respect to the unification of the law of international trade related mainly to negotiable instruments and to international commercial arbitration. Reference is made below to several of the more important instruments which were formulated under the auspices of the League.

(a) *The Geneva Conventions on the unification of the law relating to bills of exchange (1930) and to cheques (1931)*

51. On 7 June 1930, three conventions on the unification of the law relating to bills of exchange²⁶ were signed at Geneva, and on 19 March 1931 three further convention on the unification of the law relating to cheques²⁷ were signed at Geneva. The most important of these conventions are the Convention providing a Uniform Law for Bills of Exchange and Promissory Notes and the Convention providing a Uniform Law for Cheques. The others deal with conflict of law rules and provisions of national stamp legislation relating to these types of negotiable instruments.

52. The Geneva Conventions have achieved a significant unification of the law of negotiable instruments. The uniform law relating to both types of negotiable instruments has been introduced into the municipal legislation by sixteen countries, viz., Brazil, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Japan, Monaco, the Netherlands, Norway, Poland, Portugal, Sweden and Switzerland. In addition, Austria, Belgium and the USSR have accepted the Uniform Law on Bills of Exchange only, and Nicaragua has introduced the Uniform Law on Cheques only.

53. The countries belonging to the common law system did not take part in this unification of the law of negotiable instruments, nor have any of these countries given effect to these uniform laws in its territory.

(b) *The Geneva Protocol on Arbitration Clauses of 1923²⁸ and the Geneva Convention on the Execution of Foreign Arbitral Awards of 1927²⁹*

54. The Protocol deals with the recognition of arbitration agreements; each of the Contracting States undertakes to recognize the validity of such agreements between parties subject to the jurisdiction of different Contracting States. The Convention provides that an arbitral award made pursuant to an arbitration agreement covered by the Protocol shall be recognized as binding and shall be enforceable in the territories of the Contracting States, subject to certain conditions, among them the condition of reciprocity.

55. The Protocol has been ratified by fifty-three countries and the Convention by forty-four countries. These two arrangements have been the foundation for the acceptance of international commercial arbitration as the most practical method of settling disputes arising from transactions of international trade.

4. THE UNITED NATIONS

56. The United Nations has been engaged in activities in this field on a world-wide as well as on a re-

gional scale. The most important world-wide activities have been on the subject of international commercial arbitration, industrial property legislation and transit trade of land-locked countries. Activities on a regional scale have been performed by the United Nations regional economic commissions, notably in the areas of standardization of trade documents, international contracts and commercial arbitration.

(a) *The Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958³⁰*

57. The growing intensity of modern international trade and the concomitant need to develop facilities for arbitration caused the international business community to consider the Geneva arrangements as inadequate. In response to this situation, the Economic and Social Council, on the initiative of the International Chamber of Commerce, decided to convene a diplomatic conference in New York to conclude a new Convention.

58. The Convention there adopted on 10 June 1958 is designed to supersede the Geneva arrangements and, at the same time, to make more effective the international recognition of arbitration agreements and the recognition and enforcement of foreign arbitral awards.³¹

59. The United Nations Convention represents a definite advance over the Geneva arrangements in that it facilitates to a considerable degree the enforcement of foreign arbitral awards. First, it abolishes, in principle, the requirement of reciprocity, although a State may declare that it will apply the Convention to awards made only in the territory of other Contracting States (article I (3)). Secondly, it abolishes the requirement of double *exequatur* which in many countries is a serious obstacle to the enforcement of foreign arbitral awards (article V (1) (e)). Thirdly, it is no longer necessary for the recognition of an arbitration agreement or for the enforcement of an arbitral award that the parties should be subject to the jurisdiction of different contracting States (articles I (1) and II (1)).

60. The United Nations Convention came into force on 7 June 1959. Thirty-one States have become parties to it (see annex I).

(b) *Industrial property legislation*

61. Since 1961 the United Nations General Assembly has had before it the problem of the role of industrial property legislation in facilitating the transfer of patented and unpatented technological and managerial know-how to developing countries. At its sixteenth session, the General Assembly adopted resolution 1713 (XVI) on the role of patents in the transfer of technology to under-developed countries, in which it requested the Secretary-General to study the issues involved, including specifically, the effects of patents on the economy of developing countries; patent legislation in selected developed and developing countries; and the characteristics of the patent legislation of developing countries in the light of economic development objectives.

³⁰ United Nations, *Treaty Series*, vol. 330 (1959), No. 4739 p. 3.

³¹ For analysis and comments on the Convention, see e.g. Paolo Contini, "International Commercial Arbitration—The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards" in *American Journal of Comparative Law* (Ann Arbor), vol. 8, 1959, p. 283; Samuel Pissar, "The United Nations Convention on Foreign Arbitral Awards" in *Journal of Business Law* (London, 1959), p. 219

²⁶ League of Nations, *Treaty Series*, vol. CXLIII (1933-1934), No. 3313, p. 257; No. 3314, p. 317; No. 3315, p. 337.

²⁷ *Ibid.*, vol. CXLIII (1933-1934), No. 3301, p. 7; No. 3316, p. 355; No. 3317, p. 407.

²⁸ *Ibid.*, vol. XXVII (1924), No. 678, p. 157.

²⁹ *Ibid.*, vol. XCII (1929-1930), No. 2096, p. 301.

62. The study, which was prepared in the Fiscal and Financial Branch of the Department of Economic and Social Affairs in response to that resolution,³² provided a comprehensive review of the major characteristics of national patent laws and the international patent system as well as a thorough analysis of the economic implications of the introduction of patent legislation in developing countries. The study emphasized, *inter alia*, that properly adapted patent legislation was essential if the patent system was to be beneficial to economic development and advancement of industry in developing countries.

63. The United Nations Conference on Trade and Development in recommendation A.IV.26 of 15 June 1964 specifically recommended that "competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property, should explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries. . .". A similar position was taken by the Economic and Social Council in resolution 1013 (XXXVII), which requested "the Secretary-General to explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries, generally and in co-operation with the competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property".

64. On this basis representatives of the Secretary-General co-operate with the United International Bureau for the Protection of Intellectual Property (BIRPI) in the preparation of the Bureau's Draft Model Laws in this field (see paras. 108-111 below). The first of these, the Model Law for Developing Countries on Inventions,³³ incorporates most of the Secretary-General's substantive recommendations regarding the major problem areas of compulsory licencing and working of patents, government review of international licence agreements, and the administration of industrial property legislation.³⁴

(c) *United Nations regional economic commissions*

65. The functions of the United Nations regional economic commissions, which have been established in accordance with resolutions of the Economic and Social Council, are to assist in raising the level of economic activity in their respective regions and to strengthen economic relations on both an intraregional and an interregional level.

(i) *Economic Commission for Europe (ECE)*

66. The activities of the Economic Commission for Europe (ECE) in the development of the law of international trade have been primarily in the field of international contracts and commercial arbitration. These activities have been initiated in most cases by the Committee for the Development of Trade. In addition to its activities with respect to international contracts and commercial arbitration, ECE through its Inland Transport Committee, has engaged in efforts toward the simplification and standardization of export documents and has concerned itself with the problems of insurance and re-insurance, of trade in machinery and equipment,

the improvement of payments arrangements and other items. It also sponsors periodic consultations of experts in intra-European, and especially East-West, trade.

a. *The ECE General Conditions of Sale and Standard Forms of Contract*

67. Since the end of the nineteenth century, trade associations have come into existence in many European trade centres and have concerned themselves especially with the international commodity trade. This development has been particularly prominent in the United Kingdom, where influential organizations operate, such as the Timber Trade Federation of the United Kingdom, the London Corn Trade Association, the Incorporated Oil Seed Association (London), and many others. Most of these trade associations have devised their own contract forms. There is "a surprisingly large number of these forms of contract on the market that not only differ from trade to trade but also from country to country. The would-be user is very often confronted with an embarrassingly large choice of forms of contract which he could use. He is also confronted with the fact that nearly all these instruments refer to one legal system alone, and have been drawn solely with that system in view, namely, that of the country of the trade association or organisation that drafted them."³⁵ In an effort to meet these conditions, ECE has formulated and disseminated the General Conditions of Sale and Standard Forms of Contract. It is to be hoped that in the course of time these will replace the numerous contract forms issued by trade associations. A list of the forms issued by ECE is found in annex I. Among the most important of these are: General Conditions for the Supply of Plant and Machinery for Export (Form No. 188) (March 1953); General Conditions for the Supply and Erection of Plant and Machinery for Import and Export (Form No. 188A) (March 1957); General Conditions for the Supply of Plant and Machinery for Export (Form No. 574) (December 1955); General Conditions for the Supply and Erection of Plant and Machinery for Import and Export (Form 574A) (March 1957); General Conditions of Sale for the Import and Export of Durable Consumer Goods and of Other Engineering Stock Articles (Form No. 730) (March 1961).

68. It is to be noted that Forms 574 and 574A are alternatives to Forms 188 and 188A. The latter are used when both parties reside in countries of free enterprise economy and the former are used when one party or both parties are foreign trade organizations having centrally planned economies.³⁶ Form 730, on the other hand, is adapted for use in all transactions irrespective of the economic order of the country in which the contracting parties reside.

69. The ECE General Conditions of Sale have been drafted by working parties composed of businessmen. Representatives from almost every European country, including countries having free-enterprise economies as well as those having centrally planned economies, have served on the working parties since 1951. Many national trade associations have lent their support and assistance in this work. Thus when the forms of contract for the sale of cereals by sea were prepared, more

³² *The Role of Patents in the Transfer of Technology to Developing Countries* (United Nations publication, Sales No.: 65.II.B.1).

³³ BIRPI publication 801 (E), Geneva, 1965.

³⁴ See note by the Secretary-General of the United Nations (E/4078, annex A).

³⁵ See Peter Benjamin, "The ECE General Conditions of Sale and Standard Forms of Contract" in *Journal of Business Law* (London, 1961), p. 119.

³⁶ On the difference between these two sets, see "East-West Trade and UN ECE Conditions" in *Journal of Business Law* (London, 1965), p. 100.

than eighty national forms of contract were sent in, of which some fifty were the forms of contract drawn up by the London Corn Trade Association.³⁷

70. The use of the General Conditions of Sale and Standard Forms of Contract sponsored by ECE is optional. This is a characteristic which they share with the formulations of the International Chamber of Commerce (see paras. 147-166 below).

71. Two features of this work of ECE should be noted. First, the General Conditions represent a projection on the international level of work begun by the trade associations on the national level. Secondly, some of the trade association contracts undoubtedly favoured the sellers or buyers, according to the balance of interests in the trade associations. This factor was removed when the forms were studied by a working party composed of suppliers and consumers and eventually approved by ECE.

72. From the viewpoint of the progressive development of the law of international trade, the most important feature of the General Conditions is that, as one writer has indicated they "render it somewhat redundant to refer to a national legal system".³⁸ In brief, the General Conditions attempt to provide such a complete regulation of the rights and duties of the contracting parties that a need to refer to a national legal system will arise only in exceptional circumstances. While it may not be possible to make a contract completely self-regulatory, it is noteworthy that at least an attempt is made by means of the ECE forms to achieve that aim.

73. It is too soon to assess whether the standard conditions sponsored by ECE will be as widely accepted by the international commercial community as are the formulations published by the International Chamber of Commerce although so far the result appears to be encouraging. Over a million copies have been sold of the various ECE Conditions for the Supply of Plant and Machinery. National trade associations have utilized them for their own standard contract forms, and they have been translated into various unofficial languages, including German, Italian, Portuguese, Spanish, Turkish and various Scandinavian languages. (The official languages are English and French and, for some forms, Russian.)

74. Detailed explanations as to the practical application of the General Conditions of Sale and Standard Forms will be published by the ECE in near future on the "Preface to the General Conditions of Sale and Standard Forms of Contract".

b. *European Convention on International Commercial Arbitration*

75. The Commission was responsible for the preparation of this Convention which was signed on 21 April 1961 and came into force on 7 January 1964.³⁹ Of the eighteen signatory States, eleven have ratified this Convention, namely Austria, Bulgaria, the Byelorussian SSR, Czechoslovakia, the Federal Republic of Germany, Hungary, Poland, Romania, the Ukrainian SSR, the USSR and Yugoslavia. Of these eleven countries, nine are countries of centrally planned, and two of free enterprise, economy. In addition, Cuba and Upper Volta have adhered to the Convention. The seven outstanding ratifications are those of countries

of free enterprise economy. In addition to the eighteen signatory States, the following States have nominated "Appointing Authorities" for the purposes of the Arbitration Rules of January 1966 made under the Convention: Ireland, the Netherlands, Sweden, Switzerland and the United Kingdom.

76. The Convention pursues purposes different from those of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958 (see paras. 57-60 above). The European Convention on International Commercial Arbitration has a twofold purpose: first, to overcome the problem of appointing arbitrators in cases where the parties to an arbitration agreement fail to agree, a particularly difficult problem if the parties reside in countries having a different economic structure, and secondly, to facilitate recourse to commercial arbitration, irrespective of the economic structure of the countries in which the parties reside.⁴⁰

77. The Convention, like the General Conditions of Sale sponsored by ECE, thus aims, *inter alia*, at reducing some of the obstacles to the flow of trade between countries of free enterprise economy and countries of centrally planned economy.

78. A valuable innovation created by the Convention is the establishment, provided for in article IV, of a Special Committee to which the claimant may apply if the respondent does not co-operate in the appointment of the arbitrator. The Special Committee consists of three members elected for four years. One member is elected by the Chambers of Commerce of countries in which National Committees of the International Chamber of Commerce exist, and one by the Chambers of Commerce of countries in which no such National Committees exist. The third member, who acts as chairman, is elected for two years by the Chambers of Commerce of the first group of countries and for the next two years by the Chambers of Commerce of the second group. This is the only arbitral institution common to the countries of free enterprise and centrally planned economy.

79. The Convention is supplemented by the ECE Arbitration Rules of January 1966.⁴¹

(ii) *Economic Commission for Asia and the Far East (ECAFE)*

80. The Economic Commission for Asia and the Far East (ECAFE) has been active in the field of international commercial arbitration for several years. A study on arbitral legislation and facilities in certain countries of the ECAFE region was, for example, completed in 1958 by the ECAFE secretariat and the Office of Legal Affairs of the United Nations.

81. In 1962 a Centre for Commercial Arbitration was established within the ECAFE secretariat at Bangkok. The Centre, which co-operates with the Office of Legal Affairs and with commercial experts and national correspondents designated by the member countries, promotes the wider use of commercial arbitration and the creation and improvement of arbitral institutions and facilities in the region.

82. Mention should be made of the ECAFE Conference on International Commercial Arbitration which met at Bangkok in January 1966. The Conference

³⁷ See Peter Benjamin, *op. cit.*, p. 123.

³⁸ *Ibid.*, p. 116.

³⁹ United Nations, *Treaty Series*, vol. 484 (1963-1964), No. 7041, p. 349.

⁴⁰ See David A. Godwin Sarré, "European Commercial Arbitration" in *Journal of Business Law* (London, 1961), p. 352.

⁴¹ United Nations publication, Sales No.: 66.II.E/Mim.4.

recommended the preparation of a set of ECAFE Rules for International Commercial Arbitration to be brought to the attention of chambers of commerce, legal and business associations, universities and other appropriate bodies throughout the ECAFE region. These rules have now been prepared on the basis of standards adopted by the Conference, and will be published shortly.

83. The Conference also considered it advisable that separate lists of arbitrators and appointing authorities (authorities entrusted with the function of appointing arbitrators) be prepared and maintained by the ECAFE Centre in consultation with Governments, national correspondents of the Centre and other appropriate institutions. In another recommendation the Conference dealt with the dissemination of model arbitration clauses. The Conference also agreed on certain standards for conciliation which would be appropriate as a guide to parties who wish to have recourse to conciliation for the settlement of their disputes. The Conference recommended that the standards should be adopted by the ECAFE Centre and disseminated throughout the region, in the same manner as the rules for arbitration. The Conference also proposed that the ECAFE Centre should invite each of the main chambers of commerce of the region, through their respective Governments, to constitute panels of businessmen who would be prepared to sit on conciliation committees whenever so requested by parties.

84. The recommendations of the Conference were approved by ECAFE's Committee on Trade and, thereafter, by ECAFE itself at its twenty-second annual session in New Delhi.

85. The Committee on Trade has received suggestions that ECAFE should initiate projects for the standardization of general conditions of sale for selected commodities and simplification of export documents,⁴² similar to those sponsored by ECE. The Commission has also engaged in studies of the laws and regulations concerning customs administration in the countries of the region with a view to promoting uniform concepts and efficient procedures and has established the ECAFE Code of Recommended Customs Procedures.

(iii) *Economic Commission for Latin America (ECLA)*

86. The activities of the Economic Commission for Latin America (ECLA) in the field of trade have been directly related to long-term efforts toward increased economic integration within the region. In this connexion, the secretariat of ECLA provides advisory services to the member countries of the Latin American Free Trade Association established on 2 June 1961 under the terms of the Montevideo Treaty of 18 February 1960. Studies carried out by the secretariat include research into the simplification and standardization of customs procedures, documentation and nomenclature.

87. The Central American Economic Co-operation Committee of ECLA has engaged in efforts toward wider ratification and implementation of the General Treaty on Central American Economic Integration, concluded on 13 December 1960,⁴³ establishing the Central American Common Market. In this connexion, the Committee has engaged in studying standard customs codes and common tariff regulations.

88. Furthermore, ECLA has produced studies on the legal aspects of the utilization of international rivers and lakes, and on the terms of trade and their influence on the rate of economic development in the region, as well as on the establishment of a common customs code, and has sponsored seminars on co-ordination of customs administration.

89. With respect to maritime transport, research has been carried out by ECLA on the possibilities of standardization of bills of lading and other documentation.

(iv) *Economic Commission for Africa (ECA)*

90. The Economic Commission for Africa (ECA) has as its function to promote action among the African States toward the economic and social development of the region and to strengthen the economic relations of the countries concerned among themselves and in relation to other States. To this end, it undertakes studies of and disseminates information on economic problems and development in the area and assists in the formulation of policies to intensify economic development, *inter alia*, with respect to trade.

91. The secretariat of ECA has compiled surveys of intra-African trade and of its potentialities and of respective measures to stimulate trade. Studies have also been carried out on regional trade arrangements, particularly the trade grouping of Western Europe, and their impact on trade in Africa and on the trade of African countries with States having centrally planned economies. The ECA also publishes a survey of current trends in African trade and development in the *Economic Bulletin for Africa*. Included in ECA's current programme of work are studies of national legislation dealing with trade and such related fields as insurance law and investment codes whose purpose is to enable conclusions to be drawn regarding measures for the harmonization of such legislation, especially on a sub-regional basis. In connexion with the foregoing project, ECA promotes the adoption of the Brussels Tariff Nomenclature,⁴⁴ among the member countries of ECA.

92. In connexion with its resolution 140 (VII) dealing with the co-ordination of industrial incentives and legislation, ECA reviews legislation and practices with respect to investment incentives and industrial development and has studied the question of harmonization of these matters among the member States. In addition, studies have been initiated on the harmonization of legislation concerning maritime transport and on the constitutional and legal basis of public autonomous institutions and corporations. Arrangements have also been made between ECA and ECE for providing assistance to African States concerning the simplification and standardization of expert documents.

93. In co-operation with GATT, ECA sponsors annual courses in commercial policy for both French and English-speaking Africans. It also provides advisory services and organizes *ad hoc* courses and seminars in customs administration. The establishment, with ECA assistance, of inter-governmental machinery for economic co-operation at the sub-regional level, and the intensive sub-regional studies being carried out by

⁴⁴ The Nomenclature for the Classification of Goods in Customs Tariffs was elaborated by the Customs Co-operation Council, which was established as an inter-governmental organization on 15 December 1950, in Brussels. The Brussels Nomenclature has been introduced in seventy-five countries.

⁴² See document E/CN.11/721, para. 54.

⁴³ United Nations, *Treaty Series*, vol. 455, (1963), No. 6543, p. 3.

ECA, particularly in industry, agriculture and transport, will no doubt serve as a useful adjunct to possible future participation by African countries in efforts toward the development of international trade law.

(d) *United Nations Conference on Trade and Development (UNCTAD)*

94. The United Nations Conference on Trade and Development was established as an organ of the General Assembly in 1964 by General Assembly resolution 1995 (XIX). The membership of the Conference consists of the States which are Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency. The resolution provides that the Conference is to be convened every three years and that, when the Conference is not in session, the Trade and Development Board, as the permanent organ of the Conference, will carry out its functions.

95. A number of particular problems in the area of trade have been dealt with by UNCTAD. The Convention on Transit Trade of Land-Locked Countries⁴⁵ was adopted at New York on 8 July 1965 by the Conference of Plenipotentiaries on Transit Trade of Land-Locked Countries, which had been convened by the General Assembly of the United Nations in pursuance of a recommendation by UNCTAD. The Convention includes in the preamble a reaffirmation of the eight principles adopted by the United Nations Conference on Trade and Development. The substantive provisions of the Convention deal with *inter alia* freedom of transit to traffic in transit; means of transport; the facilitation of traffic in transit by mutually acceptable routes, and non-discrimination in regard to traffic in transit, customs duties and special transit dues; free zones or other customs facilities, storage of goods in transit; and settlement of disputes. The Convention, which has not yet entered into force, has been acceded to by Malawi, Mongolia, Niger and Nigeria.

96. The Conference also adopted two resolutions. In the first of these resolutions, the Conference requested the Inter-Governmental Maritime Consultative Organization to facilitate the transit trade of land-locked countries in accordance with the provisions of the Convention on the Facilitation of Maritime Travel and Transport concluded in London in 1965 (see para. 103 below). In its other resolution, the Conference recommended the provision of assistance by United Nations organs in furthering the transit trade of land-locked and transit States.

(e) *Centre for Industrial Development*

97. The functions of the Centre for Industrial Development are, *inter alia*, to promote and co-ordinate activities within the United Nations system of organizations in the field of industrialization and to carry out research and the preparation of studies in the field of industrialization.

98. In this connexion mention should be made of certain projects on the work programme of the Centre which are of relevance here. These include a study of the problems of the harmonization of industrial tax incentives within the framework of regional co-operation and integration, and research into the role of national export organizations in promoting the export of manufactured goods.

99. Research is also being conducted in order to identify industries from the point of view of simultaneous import substitution and export promotion.

100. Another relevant project to be undertaken by the Centre in 1967 is the Industrial Legislative Series which is to provide a world-wide review of industrial laws and regulations. The main purpose of publishing the Industrial Legislative Series is to enable developing countries to benefit from the experience acquired by other countries when drafting their industrial laws or amending existing ones. The series is to cover all the different aspects of industrial legislation, such as laws and regulations on patents, standards and specifications, requirements for plant operating licences, industrial sites, factory layout and structure, investment incentives, inspection, import controls, trade marks, taxation, training, forms of organization and registration, use of machinery and equipment, industrial safety and hygiene.

5. THE UNITED NATIONS SPECIALIZED AGENCIES

(a) *International Bank for Reconstruction and Development (IBRD)*

101. In accordance with resolution No. 214, adopted by the Board of Governors on 10 September 1964, the Executive Directors of the IBRD formulated the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. The submission of the Convention to member Governments of the Bank was approved by the Executive Directors on 18 March 1965. Although investment disputes are generally settled through judicial, arbitral or other procedures available under the laws of the country in which the investment was made, experience has shown that in many instances international machinery for the settlement of investment disputes is considered preferable by both States and investors. The Convention therefore provides, *inter alia*, for the establishment of an International Centre for Settlement of Investment Disputes which will "provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States" (article 1 (2)). The Centre, while not itself engaging in conciliation or arbitration, will provide facilities for the Conciliation Commission and Arbitral Tribunal which are to be instituted in accordance with the Convention. The organs of the Centre are the Administrative Council, composed of one representative of each contracting State, and the secretariat. The Centre is required to maintain a Panel of Conciliators and a Panel of Arbitrators, from which the parties to a dispute may select the members of the Commission or Tribunal to which the dispute is to be submitted. The jurisdiction of the Centre in disputes is dependent upon the written consent of the parties thereto and extends to "any legal dispute arising directly out of an investment" (article 25 (1)) between a contracting State or a constituent subdivision of a contracting State and a national of another contracting State, either a natural or juridical person. Contracting States may, if they so desire, notify the Centre in advance as to the classes of disputes which they would, or would not, consider submitting to the jurisdiction of the Centre (article 25 (4)). Article 53 provides that arbitral awards under the Convention are binding upon the parties and are not subject to any appeal or any other remedy except those stipulated in the Convention. Those remedies are revision (article 51) and annulment (article 52). Parties may also request that the Tribunal make a supplementary award or may request an interpretation of an award.

102. The Convention is open for signature to the States members of IBRD as well as to any State party

⁴⁵ See document TD/B/18.

to the Statute of the International Court of Justice which the Administrative Council shall have invited to sign the Convention, and is subject to ratification, acceptance or approval by each signatory State. It will enter into force thirty days after the deposit of the twentieth instrument of ratification, acceptance or approval. Thus far it has been signed by forty-four States and ratified by the Central African Republic, Congo (Brazzaville), Gabon, Ghana, the Ivory Coast, Mauritania, Nigeria, Tunisia, Uganda and the United States of America.

(b) *Inter-Governmental Maritime Consultative Organization (IMCO)*

103. A Conference of Plenipotentiaries, convened in London under the auspices of IMCO, adopted the Convention on the Facilitation of International Maritime Travel and Transport, which was opened for signature on 9 April 1965 (see also para. 96 above). The Convention provides, *inter alia*, for arrangements designed to unify and simplify the formalities required of shipowners by public authorities on the arrival, stay and departure of ships of the crew and passengers and miscellaneous other provisions.

104. In addition, IMCO has carried out studies on a number of topics relevant to transport for trade and has undertaken work on a universal system of tonnage measurement designed to simplify and harmonize existing methods of calculating tonnage measurements of ships.

(c) *The International Civil Aviation Organization (ICAO)*

105. This organization has sponsored numerous conventions on air law including the Protocol (signed at The Hague on 28 September 1955)⁴⁶ to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12 October 1929. The Protocol, which entered into force on 1 August 1963, and to which thirty-three States are parties, is designed to bring up to date and amend certain portions of the Warsaw Convention of 1929, which in turn had as its main object the unification of the rules of private law concerning the carrier's liability in international air carriage and in respect of documents for such carriage.

106. In addition, ICAO has also sponsored the Convention, supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air, Performed by a Person Other than the Contracting Carrier,⁴⁷ which was signed at Guadalajara, Mexico, 18 September 1961. The Convention, which entered into force on 1 May 1964, provides for the extension of certain of the rules of the Warsaw Convention to cases in which the actual carriage by air is performed by a person who was not a party to the agreement for carriage.

107. Furthermore, within the framework of the Convention on International Civil Aviation, concluded at Chicago in 1944,⁴⁸ ICAO has engaged in a Facilitation Programme designed to simplify and standardize procedures, *inter alia*, with respect to aircraft cargo and baggage entering and departing from international airports.

⁴⁶ United Nations, *Treaty Series*, vol. 478 (1963), No. 6943, p. 371.

⁴⁷ *Ibid.*, vol. 500 (1964), No. 7305, p. 31.

⁴⁸ *Ibid.*, vol. 15 (1948), No. 102, p. 295.

6. UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY (BIRPI)

108. The United International Bureaux for the Protection of Intellectual Property, which were founded in 1893, form the permanent organization controlling seven inter-governmental conventions or agreements. In acceding to these international Conventions and Agreements, the Contracting States have undertaken legal and administrative obligations with a view to securing and developing the protection of intellectual property. There are two main types of intellectual property: industrial property (patents, trademarks, etc.); and copyrights on literary and artistic works. The membership of BIRPI comprises countries of free enterprise and centrally planned economies, and includes countries at various stages of development.

109. The present programme of BIRPI is largely concentrated on the territorial extension of the two principal Unions, i.e., the Paris Union for the Protection of Industrial Property (seventy-four member States) and the Bern Union for the Protection of Literary and Artistic Works (fifty-five member States). In addition, BIRPI is engaged in the preparation of model laws in conformity with the principles of the Conventions.

110. A description of BIRPI's work and the Conventions it administers will be found in annex III.

111. Under a working agreement with the United Nations, concluded in 1964, BIRPI is co-operating with the United Nations and several of its subsidiary bodies under various resolutions in assisting the transfer of technology to developing countries.

B. Regional inter-governmental organizations and groupings

1. THE COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE (CMEA)*

112. The Council for Mutual Economic Assistance (CMEA) was established on 25 January 1949. The present members are Albania, Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, Mongolia, Romania and the USSR. In the words of a Polish writer, the purpose of CMEA is "to provide a framework for the systematic exchange of information, economic co-operation, mutual technical and scientific aid, and the exchange of raw materials, food-stuffs, machinery and equipment."⁴⁹ A new charter of CMEA⁵⁰ was adopted in 1959, which in turn was amended in July 1962, by a provision adding an Executive Committee.

113. The preamble of the charter of CMEA provides that the members are "determined to continue the development of comprehensive economic co-operation based on the consistent implementation of the international socialist division of labour in the interest of the building of socialism and communism in their countries..."⁵¹

114. Foreign trade among members of CMEA has from the beginning been regarded as an important

* Also known as the Council for Mutual Economic Aid and Comecon.

⁴⁹ See K. Grzybowski, *The Socialist Commonwealth of Nations, Organisations and Institutions* (New Haven, Yale University Press, 1964), p. 67.

⁵⁰ United Nations, *Treaty Series*, vol. 368 (1960), No. 5245, p. 253.

⁵¹ *Ibid.*, p. 264.

technique of economic integration and co-ordination of national plans. To promote foreign trade in a planned manner members concluded bilateral commercial treaties in which they specified the classes and quantities of goods which had to be exchanged, the mode of payment and, in a protocol, the general conditions for the delivery of the goods. The execution of these commercial treaties was left to the foreign trade corporations of the countries in question, which enter into ordinary export and import contracts. The bilateral commercial treaties between the member countries have been described as "the general framework"⁶² in which the foreign trade corporations of those countries carry on their mutual trade.

115. On the recommendation of the Foreign Trade Commission of the Council, a multilateral arrangement, known as the General Conditions of the Delivery of Goods between Foreign Trade Organizations of Member Countries of the Council of Mutual Economic Assistance of 1958, was concluded.⁶³ The General Conditions took the place of twenty-eight sets of bilateral Conditions for Delivery which were appended as protocols to the bilateral commercial treaties between CMEA members.

116. The General Conditions of Delivery of 1958 have been given the force of law in the municipal jurisdictions of all CMEA members. It has been said that the General Conditions "are compulsory, and an enterprise may, when concluding a contract, depart from them only if the defection is justified by the special nature of the merchandise or a special element in its delivery".⁶⁴

117. The General Conditions, as is the case for Incoterms 1953, issued by the International Chamber of Commerce (see paras. 161-166 below), provide an interpretation of the customary trade terms. The terms regulated by them are f.o.r., free on lorry, free frontier, f.o.b., c.i.f., c. and f., free air transport, free delivered. The General Conditions exceed Incoterms in scope in that they provide a complete code of export trade law; they regulate the transfer of property in the sold goods, the passing of the risk, the delivery of the goods, the payment of the price through the bank under commercial credit or collection instructions, and the usual arrangements for insurance and transport.

118. The General Conditions provide a clear and practical codification of international trade custom as it relates to members of CMEA.

119. Some other activities of CMEA may briefly be mentioned. In December 1962, a system of multilateral accounting in the trade of member States, permitting free movement of balances from account to account, was introduced, and, on 22 October 1963, the Governments of the member States signed an Agreement on Multilateral Payments and Clearing in Convertible Roubles, of which the statute of the International Bank for Economic Co-operation forms an integral part.⁶⁵

120. The contribution of CMEA to the progressive development of international trade law is best exempli-

fied by the elaboration and promotion of the General Conditions of Delivery, the practical usefulness of which is restricted to CMEA members. Beyond that, however, the General Conditions have demonstrated that the trading techniques of the countries of centrally planned economy do not differ essentially from those of the countries of free enterprise economy.

2. THE EUROPEAN ECONOMIC COMMUNITY (EEC)

121. The Treaty establishing the European Economic Community signed at Rome on 25 March 1957⁶⁶ is an international treaty to which Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, and the Netherlands are parties. In addition to two European countries (Greece and Turkey), the following nineteen African countries are "associated countries": Burundi, Cameroon, the Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Dahomey, Gabon, the Ivory Coast, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Somalia, Togo and Upper Volta.

122. The Treaty of Rome provides in article 100 that "the Council, acting by means of a unanimous vote on a proposal of the Commission, shall issue directives for the approximation of such legislative and administrative provisions of the member States as have a direct incidence on the establishment or functioning of the Common Market". Article 220 provides that "member States shall, in so far as necessary, engage in negotiations with each other with a view to ensuring for the benefit of their nationals . . . the elimination of double taxation within the Community; the mutual recognition of companies . . . , the maintenance of their legal personality in cases where the registered office is transferred from one country to another, and the possibility for companies subject to the municipal law of different member States to form mergers; and the simplification of the formalities governing the reciprocal recognition and execution of judicial decisions and of arbitral awards".

123. The measures promoted or prepared in pursuance of these provisions fall into two categories: directives issued by the Council of EEC and Draft Conventions among member States (see below, annex I).

124. The directives promoted or prepared by the Council can be arranged under three headings: firstly, those aiming at the unification, in the member States, of technical rules on additives to food-stuffs, on pharmaceutical products, motor vehicles, farm tractors, industrial tools, measuring instruments, electrical household appliances and precious metals. Secondly, the Commission has proposed to the Council a draft directive relating to the harmonization of company law suggesting uniform provisions for the disclosure of information, the validity of acts of directors and the validity of company formation; other drafts relating to company law are in preparation. Thirdly, a draft directive on insurance will be sent by the Commission to the Council in the near future; its aim is to co-ordinate the national rules concerning the financial requirements and administrative control of insurance companies.

125. The following draft conventions, based on article 220 of the Treaty of Rome, are under preparation by member States: on European patents; on recognition of companies and legal persons; on the recognition and

⁶² See Trajan Ionesco and Jon Nestor, "The Limits of Party Autonomy" in Schmitthoff, *op. cit.*, p. 170.

⁶³ See Viktor Knapp, "The Function, Organization and Activities of Foreign Trade Corporations in the European Socialist Countries," in Schmitthoff, *op. cit.*, p. 68.

⁶⁴ *Ibid.*

⁶⁵ See K. Grzybowski, *op. cit.*, p. 106; see also I. Vajda "Linking East and West", in *The Times* (London), 4 March 1966.

⁶⁶ United Nations, *Treaty Series*, vol. 298 (1958), No. 4300, p. 3.

enforcement of judgements originating in other member countries in civil and commercial cases.

3. THE EUROPEAN FREE TRADE ASSOCIATION (EFTA)

126. The Convention establishing the European Free Trade Association (EFTA) was concluded in Stockholm on 4 January 1960.⁵⁷ Austria, Denmark, Norway, Portugal, Sweden, Switzerland and the United Kingdom are member States of EFTA⁵⁸ which has among its objectives to promote the expansion of economic activity and to contribute to the development and expansion of world trade and the progressive removal of barriers to it. The Council of EFTA, as its governing organ, has the prerogative of issuing decisions binding upon member States (article 32 (4)), as well as non-binding recommendations on matters within its competence. In an effort to harmonize practices in the field of international trade among member States, the Council has issued certain directives which are relevant here, such as: Decision No. 4/1960, relating to Evidence of Origin for Re-Exported Goods and Spare Parts for Engineering Goods; Decision No. 7/1960, Relating to the Origin of Materials Taken into Stock before July 1960; Decision No. 16/1960 on Evidence of Origin for Consignments of Small Value.

127. In addition, EFTA has constituted a Restrictive Practices Working Party on the effects of restrictive business practices on international trade. The Working Party has carried out, in the course of its work, a general survey of national legislation and practice in this field.

128. Studies have also been carried out on national law and administrative regulations with respect to restrictions on the establishment and operation in EFTA countries of business enterprises by nationals of other EFTA countries, in order to determine whether the provisions of article 16, paragraph 1, of the Stockholm Convention relevant to this aspect of international economic co-operation are sufficient.

4. THE LATIN AMERICAN COUNTRIES

129. In the countries of Latin America significant progress has been made in the unification of conflict-of-laws rules. In addition, there have been other activities within the scope of this report, notably in the fields of international commercial arbitration, international sale of tangible personal property and harmonization and unification of international trade law within the framework of regional economic integration.

(a) Unification of conflict rules

130. The treaties of Montevideo of 12 February 1889, which provided for the unification of conflict rules in the field of civil and commercial law, are still in force with respect to Bolivia, Colombia and Peru. The other three signatories, Argentina, Paraguay and Uruguay, have withdrawn from it. A revision of the 1889 Treaties was carried out at the second session of the Second South American Congress on Private International Law (held at Montevideo in March 1940). Of the treaties adopted on 19 March 1940 by the Congress as part of this revision, the following should be mentioned: Treaty on International Commercial Navi-

gation Law; Treaty on International Procedural Law; Treaty on International Commercial Terrestrial Law; and the Treaty on International Civil Law. These treaties are in force with respect to Argentina, Paraguay and Uruguay. The Sixth International Conference of American States, held at Havana in 1928, adopted the Convention on Private International Law (20 February 1928), to which was annexed the Code of Private International Law. The Conference agreed that the code would be officially named the Bustamante Code after its distinguished drafter. This code has been described as "the most important codification of the rules of the conflict of laws in force today".⁵⁹ The following fifteen countries of South and Central America have accepted the Bustamante Code, though some with reservations: Bolivia, Brazil, Chile, Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, El Salvador and Venezuela. The code establishes rules of conflict of laws on a variety of subjects, including the following which relate to international commercial law: merchants, commercial companies, commercial commission, commercial deposit and loans, land transportation, contracts of insurance, contracts and bills of exchange, forgery, robbery, larceny, or loss of public securities and negotiable instruments, ships and aircraft, special contracts of maritime and aerial commerce. At a meeting held in San Salvador in 1965, the Inter-American Council of Jurists of the Organization of American States proposed that the Council of the Organization of American States should convene a conference in 1967 for a revision of the Bustamante Code.

(b) International commercial arbitration

(i) The Inter-American Commercial Arbitration Commission

131. The Inter-American Commercial Arbitration Commission, a non-governmental organization, was established in September 1934, at the request of the Governing Board of the Pan American Union, pursuant to resolution XLI of the Seventh International Conference of American States, for the purpose of creating an inter-American system of commercial arbitration. The purposes of the Commission, which has its headquarters in New York, are: (first, the establishment of arbitration facilities in each American country, for which purpose the Commission has appointed national committees in a number of Latin-American countries, responsible for organizing panels of arbitrators and for administering the standard rules of the Commission); secondly, the modification of arbitration laws in order to facilitate the conduct of arbitrations and ensure the enforcement of arbitration agreements and awards; thirdly, the familiarization of businessmen in the American countries with arbitration procedure and its advantages to exporters and importers in inter-American trade; and fourthly, the arbitration or adjustment of differences or controversies, arising in the course of inter-American trade.

(ii) Inter-American draft uniform law on commercial arbitration

132. The Inter-American Council of Jurists, at its Third Meeting, held in Mexico City in 1956, approved an Inter-American draft Uniform Law on Commercial Arbitration (resolution VIII), which was based on

⁵⁷ *Ibid.*, vol. 370 (1960), No. 5266, p. 3.

⁵⁸ Finland has concluded an Agreement of Association with EFTA (27 March 1961). This Agreement was extended to Liechtenstein by means of a Protocol concluded between the Member States of EFTA and Finland on the one hand and Liechtenstein on the other (27 March 1961). *Ibid.*, vol. 420 (1962), No. 6043, p. 109.

⁵⁹ See G. A. L. Droz, "L'harmonisation des règles de conflits de lois et de juridictions dans les groupes régionaux d'Etats," in *Rapports généraux au VI^e Congrès international de droit comparé* (Hamburg, 30 July-4 August 1962), p. 399.

the studies undertaken by the Inter-American Juridical Committee.⁶⁰ In that resolution, the Inter-American Council of Jurists recommended that the American States should, to the extent practicable, adopt in their legislation, in accordance with their constitutional procedures, the said draft uniform law in such form as they considered desirable within their several jurisdictions.⁶¹

(c) *International sale of tangible personal property*

133. At its Fifth Meeting, the Inter-American Council of Jurists, after examining a draft convention on a uniform law on international sale of tangible personal property prepared by the Juridical Committee,⁶² instructed the Committee to revise its draft and to direct its efforts toward drafting a uniform law that would consider problems of international trade in the broadest sense possible. It should take into consideration the statements and proposals made at the Fifth Meeting of the Inter-American Council of Jurists, and the conventions adopted at the Diplomatic Conference on the Unification of Law Governing the International Sale of Goods held at The Hague in April 1964 (see para. 30 above). This topic is on the agenda of the meeting of the Inter-American Juridical Committee, which will start on 10 July 1967.

(d) *Other activities*

134. Other activities in the field of harmonization and unification of international trade law have been carried out under the auspices of the Inter-American Institute of International Legal Studies, a non-governmental organization located in Washington. These include two seminars held in 1964 and 1965 for the purpose of furthering research and studies on legal aspects of economic integration, such as commercial law, transportation, commercial companies and negotiable instruments, insurance, patents and trademarks.

5. THE COUNCIL OF EUROPE

135. The Council of Europe was established in 1949 by the Statute of the Council of Europe.⁶³ At present the following eighteen countries are members of the Council: Austria, Belgium, Cyprus, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Sweden, Switzerland, Turkey and the United Kingdom.

136. The Council of Europe has promoted the following conventions in the field of the law of international trade:

Conventions relating to patents. European Convention relating to the Formalities Required for Patent Applications,⁶⁴ which came into force on 1 June 1955; European Convention on the International Classification of Patents for Invention,⁶⁵ which came into force on 1 August 1955; Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, which is not yet in force.

⁶⁰ *Uniform Law on International Commercial Arbitration, Second draft*, document CIJ-20-A. Pan American Union, Washington, D.C., 1955.

⁶¹ *Final Act of the Third Meeting of the Inter-American Council of Jurists*, document CIJ-29. Pan American Union, Washington, D.C., 1956.

⁶² *Draft Convention on a Uniform Law on the International Sale of Tangible Personal Property*, document CIJ-46. Pan American Union, Washington, D.C., 1960.

⁶³ United Nations, *Treaty Series*, vol. 87 (1951), No. 1168, p. 103.

⁶⁴ *Ibid.*, vol. 218 (1955), No. 2952, p. 27.

⁶⁵ *Ibid.*, vol. 218 (1955), No. 2953, p. 51.

Conventions relating to arbitration. Agreement of 17 December 1962⁶⁶ relating to the Application of the European Convention on International Commercial Arbitration, which had come into force on 7 January 1964; European Convention of 20 January 1962 providing a Uniform Law on Arbitration, which is not yet in force.

Convention relating to hotelkeepers. European Convention on the Liability of Hotelkeepers concerning the Property of their Guests, which is not yet in force.

Convention relating to companies. European Convention of 20 January 1966 on Establishment of Companies, which is not yet in force.

137. In 1965 the European Committee on Legal Co-operation established under the auspices of the Council of Europe, approved the text of a draft Convention on Foreign Money Liabilities which will be opened for signature by the member States in the near future.

138. Studies are also being carried out on questions concerning companies with limited liability, and the Committee will shortly begin work on study of the sale of goods (corporeal movables).

139. The Committee is at present examining other matters which may lead to the conclusion of the following instruments: a convention on the place of payment of foreign money liabilities; a draft European convention on information on foreign law, which will provide for the establishment of a body to supply information about the law in force in the territories of the Contracting Parties in civil and commercial matters; a convention on lost or stolen bearer securities; and a convention on the recognition and execution in one Contracting State of arbitral awards made in another Contracting State.

6. THE BENELUX COUNTRIES

140. The three Benelux countries—Belgium, the Netherlands and Luxembourg—have constituted the Benelux Commission for the Unification of Private Law.

141. The work of unification carried out by the Commission has led to three measures. On 11 May 1951, the three countries signed a Treaty on a Uniform Law on Private International Law. The object of the Uniform Law is to establish complete unity of conflict rules in the three countries. Only Luxembourg has ratified the treaty. Secondly, the Commission has prepared a draft treaty on jurisdiction, bankruptcy, the execution of judgements, arbitral awards and official documents. Thirdly, a Benelux Trade-Mark Convention was concluded on 19 March 1962 but has not yet entered into force.

7. THE NORDIC COUNCIL

142. The Nordic Council was established in 1952 by the Governments of Denmark, Norway, Iceland and Sweden. Finland adhered to the Statute of the Council in 1955.

143. The countries of the Nordic Council adopted uniform laws relating to bills of exchange and the sale of goods. Further, a Uniform Contracts Act, a Mercantile Agents Act and an Act on Conditional Sales were adopted. The Conditional Sales Act was enacted in Denmark, Norway and Sweden. Essentially

⁶⁶ *Ibid.*, vol. 523 (1965), No. 7555, p. 93.

uniform Acts on copyright, including copyright in photographs, were enacted in Denmark, Finland, Norway and Sweden in 1960 and 1961. Denmark, Sweden and Norway enacted uniform legislation on trademarks between 1959 to 1961. Uniform legislative measures are being considered or are in preparation on company law, bankruptcy, unfair competition, patents, trade names, enforcement of judgements and other topics.

144. The Scandinavian countries have further concluded a number of international conventions for the settlement of problems of inter-Scandinavian conflicts of laws. In addition, those countries have concluded a Convention regarding the Recognition and Enforcement of Judgements (1932)⁶⁷ and a Convention regarding Bankruptcy (1933).⁶⁸

8. THE ORGANIZATION OF AFRICAN UNITY (OAU)

145. Since its establishment on 25 May 1963 the Organization of African Unity (OAU) has devoted attention to the problems of trade and transport among its member States. Preliminary studies, such as that made by the secretariat of the OAU of the possible establishment of an African Free-Trade Area, have formed the basis of the work of various expert groups dealing with economic co-operation and integration. More recently the Transport and Communications Commission of the OAU has given consideration to possible methods of the harmonization and co-ordination of national and regional systems of land, water and air transport.

9. THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

146. The Committee, established at New Delhi in 1956 as an inter-governmental organization composed of legal experts acting in an advisory capacity, engages, *inter alia*, in studies of problems referred to it by member countries. It has made recommendations concerning the elaboration of proposed model rules on the recognition and enforcement of foreign judgements in civil cases (Baghdad, 1965) and on immunity of States in respect of commercial transactions of a private character (Cairo, 1958). It has furthermore carried out studies on double taxation and on laws relating to international sales and purchases.

C. Non-governmental organizations

1. THE INTERNATIONAL CHAMBER OF COMMERCE (ICC)

147. The International Chamber of Commerce (ICC) was founded in 1919. Its origins can be traced back to a meeting of the International Congress of Chambers of Commerce and Commercial and Industrial Associations in 1905, which was followed by further periodic meetings. In 1919 it was resolved that, instead of periodic meetings, a permanent organization should be created and the ICC was established at the Congress of Paris in July 1920. It has Category A consultative status with the Economic and Social Council.

148. The ICC constitutes a federation of business organizations and businessmen. It is a non-governmental body, neither supervised nor subsidized by Governments.

149. The ICC has national committees in more than forty countries; with the exception of Yugoslavia, these

are all countries having a free enterprise economy. In other countries the ICC is represented by organizations or associate members without national Committees. The ICC is represented in many regions of the world. Of the countries in which it is represented, twenty-one are in Europe, nineteen in Asia, nine in Africa, sixteen in America and two in Oceania.

150. The ICC's activities extend to two fields. First, its aim is to act as spokesman for the business community in the international field and to present the business point of view to Governments and to world public opinion. Secondly, it attempts to ease the mechanism of world trade by removing the various technical obstacles which hamper the free flow of goods and services. Its programme is divided into four main parts: economic and financial policy; production, distribution and advertising; transport and communications; law and commercial practice.

151. The ICC's organization is based on its national committees. Every national committee has a secretariat and working parties. In addition, the ICC has a congress which meets every second year, a council and an international secretariat with its headquarters in Paris.

152. The main aim of the ICC in the development of international trade law is to ascertain trade customs and to formulate them in a generally acceptable form. This is done through study groups of businessmen assisted by the international secretariat, and through the sending of detailed questionnaires to the national committees, which reply after consulting the national working parties. The result of this research is then published and, where required, the publications are revised from time to time. The form of publication reflects the certainty of the trade custom with which it deals. In some instances the customs of international trade can be stated with a high degree of certainty, e.g., in the case of Incoterms 1953 (see paras. 161-163 below) and the Uniform Customs and Practice for Documentary Credits. In other cases, only general guidance can be given, e.g., in the case of Commercial Agency. In a third type of case, commercial custom is vague so that only a tentative statement of facts can be offered, e.g., in the Problem of Clean Bills of Lading.

153. In addition, the ICC has played an active part in the preparation of a number of multilateral instruments in the field of the law of international trade, such as the Convention of 1 July 1964 relating to a Uniform Law on the International Sale of Goods (Corporeal Movables).

154. A catalogue of ICC's main publications is found in annex I.

155. The major contributions of the ICC to the development of commercial law are the Court of Arbitration and its rules of procedure, the Incoterms and the Uniform Customs and Practice for Documentary Credits.

(a) The Court of Arbitration

156. The Court of Arbitration is an institutional arbitration tribunal having a permanent secretariat and utilizing the ICC national committees, however, the arbitrators are appointed *ad hoc* in every arbitrable dispute. There is no panel of arbitrators, but according to article 7 (2) of the Rules of Conciliation and Arbitration of 1 June 1955,⁶⁹ arbitrators suggested by the

⁶⁷ League of Nations, *Treaty Series*, vol. CXXXIX (1933-1934), No. 3209, p. 165.

⁶⁸ *Ibid.*, vol. CLV (1934-1935), No. 3574, p. 115.

⁶⁹ International Chamber of Commerce, *Rules of Conciliation and Arbitration* (Paris, 1955).

parties must be confirmed by the Court of Arbitration. If the parties fail to appoint one or several arbitrators and that task falls upon the Court, the Court will choose the national committee or committees from which it shall request nominations. Sole arbitrators and umpires must be nationals of countries other than those of the parties (article 7 (3)). Unless the parties agree in advance on the place of arbitration, the Court of Arbitration determines the venue of the arbitration.

157. Conciliation procedure is optional and is carried out by the Administrative Commission for Conciliation established at the ICC (articles 1-5).

158. In major international transactions, arbitration before the Court of Arbitration of the International Chamber of Commerce is becoming increasingly popular. It is used not only in disputes between private enterprises but also between private enterprises and States which have submitted to its procedure. It is also sometimes used in disputes between trading concerns of free enterprise and centrally planned economies.

159. In February 1963, the ICC published an analysis of 300 cases decided by the Court.⁷⁰ Of these, about 4 per cent concerned disputes between States and individuals. The following is the breakdown according to parties:

Twenty-two European countries: 253 plaintiffs and 246 defendants.

The American continent: 26 plaintiffs and 33 defendants.

Asia: 18 plaintiffs and 13 defendants.

Africa: 15 plaintiffs and 12 defendants.

Australia: 2 plaintiffs and 2 defendants.⁷¹

160. While the sums involved in the disputes submitted to the Court varied as widely as the subjects of the disputes, the average sum in dispute in the 300 cases under review was approximately \$US 150,000, the total amount involved in the 300 cases thus amounting to almost \$US 40 million.

(b) *Incoterms 1953*

161. *Incoterms 1953* is a set of international rules for the interpretation of nine frequently used trade terms. The terms regulated by the formulation are: *ex works*, *f.o.r.* (free on rail, free on truck), *f.a.s.* (free alongside), *f.o.b.* (free on board), *c. and f.* (cost and freight), *c.i.f.* (cost, insurance, freight), freight and carriage paid to, *ex ship*, and *ex quay*. The obligations of the seller and the buyer are defined in *Incoterms* as clearly and precisely as possible.

162. *Incoterms* are based upon the greatest common measure of practice current in international trade and ascertained by the ICC as the result of detailed studies by the various national committees. The ICC refused to incorporate in these terms desirable improvements on current practice. "In the opinion of the Chamber's Committee, there are two objections to this policy: (i) what practical merchants have evolved over the years as convenient is always likely to be better than theoretical improvements, and (ii) the prime consideration is to get one set of international rules agreed and widely adopted. If that could be achieved it would be a great step forward, and on the basis of it thereafter improvements may gradually be accepted."⁷²

⁷⁰ International Chamber of Commerce, *Guide to ICC Arbitration* (Paris, 1963), p. 11.

⁷¹ *Ibid.*, pp. 9-10.

⁷² International Chamber of Commerce, *Incoterms 1953* (Paris, 1953/1954), p. 8.

163. The practical utilization of *Incoterms* is widespread. It was reported in July 1963⁷³ that more than 100,000 copies of the English and French original had been issued: in addition, translations exist in fifteen languages. *Incoterms* are widely used as standard terms of business by trade associations. Instances of that use occur, for example, in the German *Mühlbau- und-Industrie G.m.b.H.* or the French *Syndicat général de l'industrie de jute*. The United Nations Economic Commission for Europe embodied a reference to *Incoterms*, with regard to the passing of the risk in the General Conditions for the Supply of Plants and Machinery for Export, Forms Nos. 188 and 188A (1953), but substituted its own regulation for such reference in later formulations. Some foreign trade corporations of countries with centrally planned economies use *Incoterms* in their transactions with enterprises of countries with free enterprise economies. This is done, for example, by the Polish corporations *Varimax* and *Cetebe* and by the Czechoslovak corporations *Controtex*, *Ligna*, *Prago-Export*. Sometimes even bilateral agreements between countries of centrally-planned economy which are not both members of CMEA provide for the application of *Incoterms*, e.g. the agreements between East Germany, on the one hand, and North Korea and North Viet-Nam respectively, on the other.

(c) *Uniform customs and practice for documentary credits*

164. The 1962 Revision of these rules is considered to be a successful example of the unification of modern practices in international trade. Prepared by the Commission on Banking Techniques and Practice of the ICC, the Revision first sets out general provisions and definitions relating to bankers' commercial credits, then deals with the form and notification of credits, the documents to be presented to the correspondent bank, various miscellaneous provisions, and finally the transfer of credits.

165. While the earlier Revision of 1951 had already been widely accepted and used for the opening and the execution of bankers' commercial credits, since the Revision of 1962, which came into operation on 1 July 1963, the British and Commonwealth banks as well have adhered to the Uniform Customs. Today the Uniform Customs are accepted in 173 countries and territories⁷⁴ adhering to different economic systems. Since the commercial credit is the most important and most frequently employed mechanism for the payment of the purchase price in export transactions,⁷⁵ the importance of this unifying formulation of the ICC is significant.

166. It should be kept in mind that the Uniform Customs are considered to be implicitly embodied into contractual relations and there is rarely an express reference to them. Although formerly the parties were required to express adoption of the *Incoterms*, a tendency has become apparent to consider that the *Incoterms* are relevant also to commercial transactions, even in the absence of explicit reference, unless the parties have expressed a contrary intention.

⁷³ By Gunnar Lagergren in the Introduction to Frédéric Eisemann's *Die Incoterms in Handel und Verkehr* (Vienna, GÖP-Verlag, 1963), p. ix.

⁷⁴ For listings of the countries and territories concerned, see ICC document 470/INT.79 (19 April 1966).

⁷⁵ See Clive M. Schmitthoff, *The Export Trade*, 4th ed. (London, Stevens and Sons, 1962), pp. 211 ff.

2. THE INTERNATIONAL MARITIME COMMITTEE (IMC)

167. The International Maritime Committee (IMC) was founded in 1896 and held its first congress in 1897. In the words of one writer, "today the [IMC] is the only international organization dedicated exclusively to the unification of private maritime law on a global scale... Its main object is to further by conferences and by publications and divers works the unification of maritime law".⁷⁶

168. The IMC is a non-governmental organization on which are represented predominantly commercial interests engaged in maritime transport, such as ship-owners, cargo owners, forwarding agents, bankers and insurers; lawyers specializing in shipping law are likewise represented. The membership of the IMC consists of individuals and national organizations interested in shipping. Today twenty-seven of these national associations adhere to it.⁷⁷ The twenty-sixth conference of the IMC, which was held in Stockholm in June 1963, was attended by delegations from twenty-one countries: Belgium, Canada, Denmark, the Federal Republic of Germany, Finland, France, Greece, India, Ireland, Italy, Japan, the Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, the United Kingdom, the United States of America and Yugoslavia.

169. The IMC has prepared thirteen conventions on uniform laws, most of which have been ratified by a considerable number of countries.

170. A list of the Conventions is appended in annex I.

171. The most successful convention promoted by the IMC is the International Convention for the Unification of Certain Rules Relating to Bills of Lading, signed at Brussels on 25 August 1924.⁷⁸ The Brussels Convention has been ratified by twenty-eight countries (see annex I). In 1963, at the twenty-sixth meeting of the IMC in Stockholm, certain amendments to The Hague Rules were adopted under the title of the Visby Rules, which were to be submitted to governmental consideration at a Diplomatic Conference at Brussels. So far, no diplomatic conference has been convened for that purpose, but the Governments of the Scandinavian countries have requested the Belgian Government to call such a Conference as soon as possible.

3. THE INTERNATIONAL ASSOCIATION OF LEGAL SCIENCE

172. The Association is a non-governmental organization established under the auspices of UNESCO and having its seat in Paris. The main objects of the Association are, according to article 3 of its statutes, to "foster the development of legal science throughout the world through the study of foreign laws and the use of the comparative method. It has the ultimate object to aid the mutual knowledge and understanding of nations".

173. The membership of the Association is composed of national committees and associated members. The

⁷⁶ See A. N. Yiannopoulos, "The Unification of Private Maritime Law by International Conventions," in *Law and Contemporary Problems* (Durham, North Carolina, 1965), vol. 30, pp. 370, 372-3 (foot-notes omitted).

⁷⁷ See P. Chauveau, "L'unification du droit maritime et le C.M.I.," in *Revue trimestrielle de droit commercial* (Paris), vol. 16, 1963, p. 137.

⁷⁸ League of Nations, *Treaty Series*, vol. CXX (1931-1932), No. 2764, p. 155.

latter are international institutions, (the goals of which are in harmony with those of the Association and to which that status is accorded by the International Committee of Comparative Law, which is the Executive Committee of the Association. The Association has no individual members.

174. National committees exist in the thirty-nine countries listed in annex I. Of these, six countries have centrally planned economies. Geographically, twenty-three are European, seven Latin American, six Asian, two North American and one African. The Association has a Council, an Executive Committee (the International Committee of Comparative Law) and a Secretary-General. The Association, assisted by UNESCO, held four colloquia on the law of international trade: in Helsinki in 1960; in Trier in 1961; in London in 1962; and in New York in 1964. The research of these colloquia is contained in three volumes, with a fourth in preparation.⁷⁹

175. The Association is currently sponsoring the publication, under the general direction of the Max Planck Institut für ausländisches und internationales Privatrecht, in Hamburg, of an International Encyclopedia of Comparative Law which will deal, in large part, with the law relating to international trade.

4. THE INTERNATIONAL LAW ASSOCIATION (ILA)

176. The International Law Association was founded on 10 October 1873. According to article II of its constitution, as amended in 1950 and 1958, its objects include "the study, elucidation and advancement of international law, public and private, the study of comparative law, the making of proposals for the solution of conflicts of laws, and for the unification of law, and the furthering of international understanding and goodwill".

177. The International Law Association is a non-governmental organization, established in London, which in 1956 had over 2,600 members who were either individuals or bodies.⁸⁰ In 1962 it had thirty-four branches in countries located in all continents and belonging to different economic systems, including the United States and the USSR.⁸¹

178. The Association, which has an Executive Council and a Secretary-General, arranges biannual conferences at which a number of topics pertaining to public and private international law are discussed. The reports of these meetings are published.

179. The major contributions of the International Law Association are: the formulation of the York-Antwerp Rules 1950 on the adjustment of General Average; and the drafting of The Hague Rules relating to bills of lading, which formed the basis of the Brussels Convention on Bills of Lading of 25 August 1924 (see para. 171 above).

⁷⁹ Harold J. Berman and others, *Aspects juridiques du commerce avec les pays d'économie planifiée* (Paris, Librairie générale de Droit et de Jurisprudence, 1961); *Some Problems of Non-Performance and Force Majeure in International Contracts of Sale*, edited by H. E. Jokela (Helsinki, Institute of Comparative Law at the University of Helsinki, 1961); *The Sources of the Law of International Trade with special reference to East-West Trade*, edited by Clive M. Schmitthoff (New York, Praeger, 1964); and *L'unification du droit de la vente internationale*, edited by John Honnold (in preparation).

⁸⁰ See N. V. Boeg, "The International Law Association" in *Liber Amicorum of Congratulations to Algor Bagge....* (Stockholm, Norstedt, 1956).

⁸¹ International Law Association, *Report of the 50th Conference*, (Brussels, 1962), pp. lii to lxxvii.

180. In addition, the Association has made a number of valuable suggestions for the unification of international commercial law, such as the Rules of Copenhagen of 1950, which deal with commercial arbitration.

5. THE INSTITUTE OF INTERNATIONAL LAW

181. The Institute of International Law is a non-governmental organization founded in 1873 and having its headquarters in Paris. It has fifty-seven members and fifty-five associate members from thirty-nine countries. The members and associate members serve in their individual capacity and are selected from among persons who have rendered valuable service to international law, either in the theoretical or practical sphere.

182. Among the objectives of the Institute is the promotion of the progressive development of international law by giving assistance to genuine attempts at gradual and progressive codification of international law.

183. In the field of international commercial law, various commissions of the Institute have dealt with such topics as the legal aspects of capital investments in the developing countries (9th Commission); the contract of transport in private international law (19th Commission); and companies in private international law (28th Commission).

D. Summary: main areas of harmonization and unification

184. The foregoing survey has shown that, in addition to matters relating to industrial property and transportation by sea, air and land, the following are the major areas in which the most progress has been made towards the unification and harmonization of the law of international trade: the law of international sale of goods; the law relating to the supply and erection of plant and machinery abroad; the law relating to bills of exchange; the law relating to bankers' commercial credits; and the law of commercial arbitration.

185. With respect to the *law of international sale of goods* the major formulations are: the Convention of 1 July 1964 relating to a Uniform Law on the International Sale of Goods (Corporeal Movables), promoted by the International Institute for the Unification of Private Law; the Convention of 1 July 1964 relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (Corporeal Movables), promoted by the same organization; the Convention of 15 June 1955 on the Law Applicable to International Sales of Goods, promoted by The Hague Conference on Private International Law; Incoterms 1953, sponsored by the International Chamber of Commerce; General Conditions of Delivery of Goods, 1958, issued by the Council for Mutual Economic Assistance; Various General Conditions for Sale and Standard Forms of Contract elaborated by ECE; the Convention of 15 April 1958 on the Competence of the Forum in the International Sale of Goods; and the Convention of 25 November 1965 on the Choice of Court, sponsored by The Hague Conference.

186. In the area of the *law relating to the supply and erection of plant and machinery abroad* the only formulations are General Conditions (Forms Nos. 188, 188A, 574 and 574A) issued by ECE.

187. As regards *bills of exchange*, a considerable degree of uniformity of law has been achieved by the Geneva Conventions on the Unification of Law relating

to Bills of Exchange and to Cheques of 1930 and 1931, sponsored by the League of Nations.

188. With respect to *bankers' commercial credits*, the only formulation available is the Uniform Customs and Practice for Documentary Credits (1962 Revision), sponsored by the International Chamber of Commerce.

189. In the area of *commercial arbitration*, the following should be mentioned: the Geneva Protocol of 1923 and the Geneva Convention of 1927, both sponsored by the League of Nations; the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 10 June 1958; the European Convention on International Commercial Arbitration, sponsored by ECE; the Council of Europe Convention on International Commercial Arbitration and on Uniform Law on Arbitration; the ECAFE Centre for Commercial Arbitration, and the Convention on the Settlement of Investment Disputes between States and Nationals of other States, sponsored by the International Bank for Reconstruction and Development.

III. Methods, approaches and topics suitable for the progressive harmonization and unification of the law of international trade

A. Methods

190. An analysis of the work thus far done in this area reveals that essentially three methods have been adopted to further the progressive unification and harmonization of the law of international trade.

191. The first is the introduction of normative regulations devised and elaborated within the framework of international treaties and agreements concluded by two or more States. Illustrations of this method are the General Conditions of Delivery of Goods 1958, issued by the Council for Mutual Economic Assistance (CMEA), the Brussels Convention of 1924 on Bills of Lading, the Geneva Conventions on the Unification of the Law relating to Bills of Exchange and to Cheques of 1930 and 1931, The Hague Convention of 1955 on the Applicable Law relating to International Sales of Goods, and the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958.

192. The second, which is, in effect, an alternative to the first, is the formulation of model laws to serve as guides for local adaptation, and uniform laws to be incorporated by States into their legislation. Examples of the former are model laws prepared under the auspices of the United International Bureaux for the Protection of Intellectual Property (BIRPI); examples of uniform laws may be found in the practice of the Scandinavian countries acting within the framework of the Nordic Council.

193. The third consists in the formulation, normally under the auspices of an international agency, of commercial customs and practices which are founded upon the usages of the international commercial community. Illustrations of the third method mentioned are the Incoterms 1953 and the Uniform Customs and Practice for Documentary Credits, prepared by the International Chamber of Commerce (ICC), and the various General Conditions of Sale and Standard Forms of Contract sponsored by the Economic Commission for Europe (ECE).

194. Essential differences exist among the methods described above. The first and second are applied by

virtue of the authority of the State, whereas the third is founded upon the autonomy of the will of the parties who adopt it as the régime applicable to the individual transaction at hand.

195. The experience of the past has shown that each of these methods is essential to the unification of the law of international trade and, furthermore, that each complements the other. It is therefore evident that the future development of the law of international trade requires that all of them should continue to be actively pursued.

B. Approaches

196. Until now there has been a variety of approaches to the progressive harmonization and unification of international trade law. One approach encompasses geographically contiguous countries having similar political, economic and legal systems and a comparable stage of economic development. When all these factors are present a considerable measure of harmonization may be achieved, as has happened among the Scandinavian countries belonging to the Nordic Council.

197. Unifying measures have also been taken among countries having a similar socio-economic system, regardless of geographical location; this is the case for the members of CMEA which includes nine countries having centrally planned economies, eight in Europe and one in Asia. In other cases there has been a measure of unification among countries located in the same region, regardless of their socio-economic system; this approach has been followed, for example, by European countries in the context of ECE. A degree of unification has also been achieved among countries belonging to common markets and free trade areas which are committed to the integration of their trading areas and institutions; this is the case for the countries belonging to the European Economic Community and for those belonging to the European Free Trade Association.

198. Another approach has been based on the premise that it would be in the interest of developing countries having a comparable stage of economic development to adopt, on certain subjects, uniform provisions which should be especially geared to the requirements of their economies. This approach was followed in the preparation of the recent Model Law for Developing Countries on Inventions⁸² which was elaborated by BIRPI, with the co-operation of the United Nations.

199. Finally, steps have been taken to further harmonization and unification on a world-wide scale. Perhaps the most successful example is the 1962 Revision of the Uniform Customs and Practice for Documentary Credits issued by the ICC, which has been accepted in 173 countries and territories.

200. All of the foregoing approaches are complementary and any of them may prove to be the most practical for a particular topic, depending on the economic, legal and other factors involved.

201. Undoubtedly, it may be easier to make progress in harmonizing national laws and practices when the countries involved have similar legal or socio-economic systems. However, international trade transcends geographical proximity and legal, social or economic affinity. A country often engages in more trade with a

country having a different legal or economic system and located in another part of the world than it does with a contiguous country with which it has closer bonds. In such cases only harmonization on a world-wide scale would help reduce the obstacles of a legal nature hampering the flow of trade between those countries.

202. It should be stressed that modern commercial life, which has been affected by technological advances with respect to travel and transport and by the rapprochement of different economic systems, tends to require to a great extent harmonization and unification on a broad scale with respect to the law of international trade. The following comment made by Professor Tunc, although it refers to the internal legislation of a particular country, is relevant to the present study in that it points out the interdependence of the progressive development of international trade law:

"Today France must amend her legislation, knowing that she will have to amend it again tomorrow to comply with the constitution of the Common Market; for at the same time, she may have to amend it to harmonise it, at least in some fields, with the legislations of the seven members of the European Free Trade Association or of the eight members of the socialist Council for Mutual Economic Aid; later on, the problem will be of harmonisation with the legislations of the twenty member nations of the Organization for Economic Co-operation and Development, with the seven members of the Montevideo Treaty and with other trade associations in Africa or Asia."⁸³

C. Suitable topics

203. In considering topics suitable for harmonization and unification, three general observations should be made. First, whether harmonization is attempted on a world-wide scale or not, it is more easily achieved in technical branches of the law than in subjects closely connected with national traditions and basic principles of domestic law. Thus, harmonization has been most widely accepted in the law of industrial property, transportation by sea, air and land, international banking (bills of exchange and commercial credits) and arbitration.

204. Secondly, it should be kept in mind that the unification process is desirable *per se* only when there is an economic need and when unifying measures would have a beneficial effect on the development of international trade.

205. Thirdly, in addition to their direct impact, unifying measures tend to have what has been called a "radiation" effect.⁸⁴ This occurs when, for example, a State which is not a party to an international convention decides to apply the principle on which the convention is founded, or when a unifying technique used in one international instrument is subsequently made part of another. Thus, as has been previously noted (paras. 42-43), the principle that the seller's law is the presumptive law in conflict problems arising from the international sale of goods, which was incorporated in The Hague Convention of 15 June 1955, has been followed with respect to ECE's General Conditions of Delivery of Goods and General Conditions, Forms Nos. 188, 574 and 730.

⁸³ See André Tunc, "English and Continental Commercial Law," in *Journal of Business Law*, (London, 1961), p. 246.

⁸⁴ *Ibid.*, p. 240.

⁸² BIRPI publication 801 (E), Geneva, 1965.

206. It would be premature at this stage to make specific suggestions regarding desirable priorities in the future work of unification, or to identify topics particularly suitable for world-wide or other action.

207. Nevertheless, most unification activities have been in the areas mentioned in paragraph 184 above. Further progress in those areas could be made, for instance, by encouraging wider participation in the conventions relating to the international sale of goods, bills of exchange and arbitration, and wider adoption of certain contractual forms and definitions of frequently used commercial terms. In addition, it would be beneficial to international trade if more efforts were made in the direction of unification on such topics as problems of agency law, including those relating to commission agents and brokers; the law relating to joint ventures by bodies incorporated in different countries; rules relating to corporations entering into foreign trade relations; and the general law of contract, as far as it is relevant to international trade, e.g., problems of frustration and *force majeure*, or of time limits and prescription.

IV. Role of the United Nations in the progressive harmonization and unification of the law of international trade

A. Progress and shortcomings of the work in the field of harmonization and unification of the law of international trade

208. The preceding survey of the work done up to now in the unification and harmonization of the law of international trade shows a picture of some progress but at the same time some significant shortcomings.

209. Owing primarily to the efforts of the "formulating agencies", there has been a degree of unification and harmonization, especially on such subjects as the international sale of goods, bills of exchange, bankers' commercial credits, international maritime trade, and commercial arbitration.

210. On the other hand, an objective evaluation of the efforts made in this field cannot fail to reveal the following main shortcomings:

(a) The progress made in the unification and harmonization of the law of international trade has been rather slow in relation to the amount of time and effort expended on it. The relatively modest results obtained up to now are attributable to a number of factors, such as the difficulties inherent in any attempt to bring about changes in national legislation and practices, and the limited membership and authority of formulating agencies. As a consequence, the completion of the technical work of preparing draft conventions, model laws or uniform laws has often failed to culminate in an international conference or in the adoption of uniform legislation. Where conventions have been adopted, generally speaking only a small percentage of the present Members of the United Nations have become parties.

(b) The developing countries of recent independence have had the opportunity to participate only to a small degree in the activities carried out up to now in the field of harmonization, unification, and modernization of the law of international trade. Yet those are the countries that especially need adequate and modern laws, which are indispensable to gaining equality in their

international trade.⁸⁵ In many of these States the prevailing legal system was introduced before their independence by the metropolitan countries; often the provisions thus received are unsuitable to their present stage of economic development or to the requirements of newly independent States.⁸⁶ The unification process in the field of international trade law would be a step in the direction of remedying this situation. As to the attitude of new States towards playing a more active role in this endeavour, the following words written by an authority on African law are significant:

"African countries have not opted out of discussions on world unification of laws—quite the contrary; I am sure that they wish to be more closely and directly involved in such discussions in the future than they have been in the past."⁸⁷

(c) None of the formulating agencies commands world-wide acceptance; none has a balanced representation of countries of free enterprise economy, countries of centrally planned economy, developed and developing countries. In some cases, those agencies have a membership confined either to countries of centrally planned economy (e.g. CMEA) or to countries of free enterprise economies (e.g. the ICC); in other instances, members must belong to a specific region (e.g. the ECE). In the case of UNIDROIT, although there is no geographical limitation on membership, the present membership is predominantly European.

(d) There has been insufficient co-ordination and co-operation among formulating agencies. Therefore, their activities have tended to be unrelated, and a considerable amount of duplication has resulted. The following observations made some years ago by the late Professor H. C. Gutteridge still seem relevant:

"The most urgent problem of all, however, is that of the waste of effort and confusion that has, at times, been caused by the existence of competing agencies engaged in the work of unification. The remedy for this state of affairs would seem to lie in the establishment of a rallying ground for unificatory activities—a kind of international clearing house—which would co-ordinate and supervise activities of this nature and also facilitate the collection of any information that might be required, either from governmental or other sources. . . . it would be possible, in this way, to avoid the overlapping of attempts to achieve uniformity, and to discourage the

⁸⁵ As the representative of Hungary said, "It was particularly important for them [the developing countries] that the law of international trade should be updated and guarantee the highest security so that they would not be at the mercy of more experienced trade partners." (See *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 894th meeting, para. 8.*)

⁸⁶ The technique of law reception is not a phenomenon which relates solely to the recent history of newly independent States. The legal systems of some countries or territories which in the past were dependencies of European States are still influenced by the law of the former colonial Powers. Thus the law in almost all states of the United States is derived from English law; many Latin-American States have received Spanish law; the Province of Québec in Canada and the State of Louisiana in the United States have received French law. Furthermore, as between sovereign States the problem of adaptation to modern conditions has sometimes been dealt with by the same technique of law reception. Thus, for example, modern Greek and Japanese law have received German law and modern Turkish law has received Swiss law.

⁸⁷ See A. N. Allott, "Towards the Unification of Laws in Africa," in *International and Comparative Law Quarterly* (London), vol. 14, 1965, p. 389.

ill-timed, or over-ambitious, projects which are largely responsible for the paucity of success which has hitherto characterised the movement for the unification of law."⁸⁸

B. Desirable action to remedy the existing shortcomings

211. The General Assembly, in the preamble to resolution 2102 (XX), has recognized that "conflicts and divergencies arising from the laws of different States in matters relating to international trade constitute an obstacle to the development of world trade" and has expressed its conviction that "it is desirable to further co-operation among the agencies active in this field and to explore the need for other measures for the progressive unification and harmonization of the law of international trade".

212. To remedy the shortcomings described above, several measures such as the following should be taken. The process of harmonization and unification of the law of international trade should be substantially systematized and accelerated. This would entail a concerted effort to secure a wider participation in existing international conventions and a wider adoption of uniform legislation, where such conventions and uniform laws reflect the present requirements of world trade, as well as a wider use of standard trade terms, provisions and practices. It would also entail action towards further unification and modernization of legal techniques in this area, such as the adoption of new international conventions and uniform laws, codification of existing rules and trade practices and the dissemination of information on up-to-date methods and solutions. In addition, it would be desirable to secure a broad participation of the developing countries of recent independence in the progressive development and codification of the law of international trade; this would facilitate the adoption by those countries of laws and other measures adequate for the protection of the interests of their international trade transactions. Finally, it would be appropriate to bring about a close co-ordination of the activities of the existing formulating agencies, regardless of whether their members belong to one or another economic or legal system.

C. Role of the United Nations

213. It should now be considered whether it would be desirable for the United Nations to assume responsibilities in this field and, if so, what should be the extent of such responsibilities. In this connexion, the following questions should be examined.

1. IS THE UNIFICATION AND HARMONIZATION OF THE LAW OF INTERNATIONAL TRADE AN APPROPRIATE SUBJECT FOR UNITED NATIONS ACTION?

214. Action by the United Nations for the purpose of removing or reducing legal obstacles to the flow of international trade would be properly within the scope and competence of the Organization under the terms of Articles 1 (3) and 13, Chapters IX and X of the United Nations Charter. In particular, such action would be fully consistent with General Principle Six of the United Nations Conference on Trade and Development (UNCTAD) which reads: "International trade is one of the most important factors in economic de-

velopment. It should be governed by such rules as are consistent with the attainment of economic and social progress and should not be hampered by measures incompatible therewith."

215. As previously mentioned in this report, the United Nations has already been engaged in some activities in the field of unification and harmonization of the law of international trade. But so far, there has been no attempt to survey the field as a whole in order to co-ordinate the activities of the different United Nations organs concerned and select the most suitable subjects. Consequently, the choice of subjects has been largely accidental and the activities often unrelated to one another.

216. What the United Nations has accomplished in the promotion of the law of international trade is insignificant compared with what it has done in promoting economic and social development. Although there is an increasing awareness that a modern legislative framework is the necessary foundation for sound economic and social progress, there is still what may be called a "legal lag".⁸⁹ There is no doubt, therefore, that United Nations action would be both appropriate and desirable.

2. WOULD A UNITED NATIONS PARTICIPATION IN THIS ACTIVITY UNNECESSARILY DUPLICATE THE WORK OF EXISTING AGENCIES AND REDUCE OR ABOLISH THEIR USEFULNESS?

217. One of the main reasons for the relatively slow progress made in the past has been the limited membership and authority of formulating agencies. This has resulted in a disproportion between the number of draft instruments prepared by formulating agencies and their acceptance by States. In view of its worldwide membership and authority, the United Nations would provide a most appropriate forum for convening international conferences for the adoption of conventions. Where unification and harmonization take the form of recommendations for the adoption of uniform laws and standard practices, such recommendations would be addressed directly to all Member States of the United Nations, thus increasing the chances of broad acceptance.

218. Rather than reducing the usefulness of existing formulating agencies, an active United Nations interest and participation in this work would tend to broaden their scope and enhance their activities. For example, some of the draft instruments prepared in the past by formulating agencies could be revised in the light of present requirements and could eventually be submitted to the United Nations for action; the Organization could request formulating agencies specializing in different subjects to deal with specific topics and could utilize those agencies' expert advice in general. Accordingly, it may be expected that United Nations participation in this field would increase the usefulness of existing formulating agencies, and improve the chances of bringing their work to a successful conclusion.

⁸⁹ The representative of the Netherlands said, "The United Nations was already in the middle of the Development Decade, while the United Nations Conference on Trade and Development had initiated an ambitious programme of co-operation for economic development and the expansion of international trade. It was therefore important that the development of the law should not lag behind technical progress and material achievements..." (See *Official Records of the General Assembly, Twentieth Session, Sixth Committee, 896th meeting, para. 13.*)

⁸⁸ See H. C. Gutteridge, *Comparative Law*, 2nd ed. (Cambridge, University Press, 1949), pp. 183-184.

3. WOULD THE UNITED NATIONS BE IN A POSITION TO MAKE A SIGNIFICANT CONTRIBUTION TO FURTHERING UNIFICATION ON A WORLD-WIDE SCALE OR OTHERWISE?

219. As mentioned above (paragraphs 196 to 202), the choice of the approach to be followed in bringing about unifying measures depends on a variety of legal, economic and social factors. While world-wide unification may be desirable and feasible for certain topics, a different approach may commend itself with respect to others.

220. As the United Nations comprises practically all the countries of the world, representing the various legal, economic and social systems as well as all stages of economic development, it would be in the best position to examine the question of the choice of approach (world-wide, regional or other) in the light of the relevant circumstances, acting as a kind of international clearing house for unification activities. The United Nations would also be in the best position to determine, for any topic, which method of unification should be adopted (international convention, model law, uniform law, harmonization or codification of commercial practices) and to provide the most suitable forum for unifying measures on a world-wide scale.

4. SHOULD THE FUNCTIONS OF THE UNITED NATIONS BE CONFINED TO CO-ORDINATION OR SHOULD THEY ALSO ENCOMPASS FORMULATION?

221. As the need for better co-ordination in this area is generally acknowledged, it seems clear that the United Nations could perform a useful role in promoting contacts and furthering collaboration between the existing formulating agencies, exercising some kind of supervision over their activities and initiating unifying measures. The performance of these functions would require the ability to exercise judgement, *inter alia*, on which projects and draft instruments should be carried to a conclusion and which should be revised and which shelved, as well as on the respective roles of existing formulating agencies. If a sufficient expertise to perform these tasks is to be acquired, it would be necessary to create a United Nations organ consisting of highly qualified authorities in the field, including experts from developing countries who would thus have the opportunity to participate actively in the work of unification. While co-ordination should be the primary function of such a United Nations organ, it would appear desirable not to confine it to a co-ordinating role but to authorize it, when appropriate, to perform formulating functions as well.

5. IS THERE A REALISTIC CHANCE OF SUCCESS OR IS THE TASK TOO DIFFICULT FOR TANGIBLE RESULTS?

222. Since one of the purposes of unification and harmonization is to bring about changes in national laws, the difficulties of this endeavour should not be underestimated. However, the matters relating to the unification of the law of international trade are primarily of a technical nature. It should therefore be less difficult to adapt national rules to the needs of international trade, than to unify rules on such matters as family law, succession, personal status, and other subjects deeply rooted in national or religious traditions. The common interest of all countries in removing or

reducing obstacles to international trade should also act as an incentive towards progress.

223. Another difficulty that has been mentioned is that excessive zeal might lead to unification at the lowest common denominator. There is no merit in unification if it results in the adoption by a group of States of the legal concepts acceptable to the least progressive among them. Nor is there any merit in formulating a convention or uniform law on a subject which would not appreciably benefit international trade. Accordingly, it is most important that any attempt at unification and harmonization should be preceded by a thorough search for the right and ripe topics. It is essential that the topics should be selected in close collaboration between legal experts and trade experts familiar with the requirements of international trade and its priorities, and aware of what results can be realistically achieved.

224. Progress in this field is bound to be rather slow, but the pace of such progress can be substantially accelerated if the United Nations assumes an active role and if Member States give it sustained and continuing support.

D. Establishment of a United Nations commission on international trade law

225. There is no existing United Nations organ which is both technically competent in this field and able to devote sufficient time to such a complex and long-term endeavour. The General Assembly may, therefore, wish to consider the possibility of establishing a new commission which might be called the "United Nations Commission on International Trade Law".

226. It would be essential to assure the most active and broadly based support of Governments, and at the same time to provide for the participation of recognized authorities in this field of law. It would therefore appear advisable to provide that the membership of such a commission should be composed of an appropriate number of States, elected by the General Assembly, and to provide, further, that the representatives of these States, appointed by them to serve on the commission, should be persons of eminence in the field. In this connexion, it may be recalled that a similar, but not identical arrangement was adopted under the terms of Economic and Social Council resolution 903 C (XXXIV) of 2 August 1962, dealing with the establishment of the Committee on Housing, Building and Planning. The Committee was "composed of eighteen States Members of the United Nations, elected by the Council . . ., the representatives on this committee to be designated by the Governments of these States in agreement with the Secretary-General, with a view to achieving, as far as possible, a balanced coverage of required expertise . . .". This arrangement is similar to the one suggested above.

227. It is suggested that the commission should have the following functions: to further the progressive harmonization and unification of the law of international trade by:

(a) Co-ordinating the work of organizations active in this field and encouraging co-operation among them;

(b) Promoting wider participation in existing international conventions, and wider acceptance of existing model and uniform laws;

(c) Preparing, and promoting the adoption of, new international conventions, model laws and uniform laws, and the codification and wider acceptance of international trade terms, provisions, customs and practices;

(d) Promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade;

(e) Collecting and disseminating information on national legislation and modern legal developments in the field of the law of international trade;

(f) Maintaining liaison with UNCTAD, the Economic and Social Council and other United Nations organs and specialized agencies concerned with international trade;

(g) Taking any other action as it may deem useful to achieve its purposes.

228. The question of whether, and to what extent, the commission would deal with unification of conflict rules, in addition to unification of substantive rules, might be for the commission itself to consider at the appropriate time.

229. Because the work of the commission would be of an essentially technical nature, including a certain amount of legal drafting, it would seem desirable to have a membership of eighteen, and in any event not more than twenty-four. The commission should have an adequate representation of countries of free enterprise and centrally planned economies, and of developed and developing countries.

230. As the functions of the commission pertain to the field of law and trade, it must be considered whether the commission should report directly to the General Assembly or to UNCTAD which would, in turn, report to the General Assembly. Although important trade aspects would be involved requiring close liaison with UNCTAD, it seems clear that the bulk of the work would be of a technical legal nature. In these circumstances, it may be appropriate that the commission should report directly to the General Assembly, so that its activities would be considered by the Sixth (Legal) Committee at an early stage. The reports would be submitted simultaneously to UNCTAD for its comments. Any comments that UNCTAD may wish to make would be transmitted through the Economic and Social Council for consideration by the General Assembly and by the Sixth Committee, when the reports of the commission are examined. Such comments might, as appropriate, contain recommendations to the General Assembly on topics for inclusion in the programme of work of the commission. This arrangement would not only ensure the most expeditious and thorough consideration of the commission's work but also the indispensable close liaison with UNCTAD. It would also provide the commission with the central role and the appropriate level necessary for the effective performance of its functions.

231. The fourth session of the Trade and Development Board of UNCTAD, at its 113th meeting on 23 September 1966, considered the question of the progressive development of the law of international trade. The section of the report of the Trade and Development Board (A/6315) dealing with this matter is reproduced in annex I.

232. In view of the vast scope and complexity of the commission's work it would be necessary to establish,

within the Office of Legal Affairs, a new secretariat unit comprising three or four qualified officers, devoting its full time to work in this field.

233. In order to render effective assistance to the commission, the secretariat unit should be familiar with the different major legal systems of the world and with the problems of countries at various stages of economic development.

234. The functions of the unit would be:

(a) To provide the secretariat for the sessions of the commission and for international conferences and meetings of experts on the law of international trade;

(b) To assist the commission in its co-ordinating functions by:

(i) Preparing studies of the work done in the past and of the current work of formulating agencies, in order to ascertain the stage reached with respect to the different topics, and to examine what further action towards unification and harmonization is desirable;

(ii) Maintaining appropriate liaison with the secretariats of UNCTAD, other United Nations organs, specialized agencies and other interested inter-governmental and non-governmental organizations, as required in the performance of the commission's functions;

(c) To prepare studies and recommendations on problems concerning the unification and harmonization of the law of international trade, including comparative analyses of national legislation, studies and research on particular topics at the request of the commission and, when practicable, of other United Nations organs;

(d) To organize and maintain a comprehensive collection of national legislation and treaties pertaining to the law of international trade, and of documentation on modern developments in this field, and to provide information thereon to the commission, to other interested United Nations organs and to States, within the limits of available resources;

(e) To provide services in connexion with technical assistance activities in this field, within the limits of available resources.

E. Financial implications of the establishment of a United Nations commission on international trade law

235. This study of the progressive development of the law of international trade has been prepared in response to General Assembly resolution 2102 (XX), in which it was requested that the Secretary-General submit a report to the General Assembly examining what has been accomplished, what might be accomplished, and what institutions might be utilized in promoting the goal of harmonizing and unifying the law of international trade. In this report it is suggested that the General Assembly may wish to consider the possibility of establishing a new commission, which might be called the "United Nations Commission on International Trade Law". The Secretary-General would be prepared to submit the financial implications of the establishment of such a commission at the appropriate time after Member States have had an opportunity to consider what course of action it would be most appropriate for the United Nations to follow and when their views and wishes on the details of any possible new arrangement are more clearly known.

Annexes

ANNEX I

Additional data on the activities of organizations concerned with the law of international trade

A. UNITED NATIONS: LIST OF SIGNATORIES AND STATES PARTIES TO THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

[Original text: English]

State and date of signature	Date of receipt of instrument of ratification or accession
Argentina (26 August 1958)	
Austria	2 May 1961
Belgium (10 June 1958)	
Bulgaria (17 December 1958)	10 October 1961
Byelorussian Soviet Socialist Republic (29 December 1958)	15 November 1960
Cambodia	5 January 1960
Central African Republic	15 October 1962
Ceylon (30 December 1958)	9 April 1962
Costa Rica (10 June 1958)	
Czechoslovakia (3 October 1958)	10 July 1959
Ecuador (17 December 1958)	3 January 1962
El Salvador (10 June 1958)	
Federal Republic of Germany (10 June 1958)	30 June 1961
Finland (29 December 1958)	19 January 1962
France (25 November 1958)	26 June 1959
Greece	16 July 1962
Hungary	5 March 1962
India (10 June 1958)	3 July 1960
Israel (10 June 1958)	5 January 1959
Japan	20 June 1961
Jordan (10 June 1958)	
Luxembourg (11 November 1958) ..	
Madagascar	6 July 1962
Monaco (31 December 1958)	
Morocco	2 February 1959
Netherlands (10 June 1958)	24 April 1964
Niger	4 October 1964
Norway	4 March 1961
Pakistan (30 December 1958)	
Philippines (10 June 1958)	
Poland (10 June 1958)	3 October 1961
Romania	3 September 1961
Sweden (23 December 1958)	
Switzerland (29 December 1958)	1 June 1965
Syria	9 March 1959
Thailand	21 December 1959
Trinidad and Tobago	14 February 1966
Ukrainian Soviet Socialist Republic (29 December 1958)	10 October 1960
Union of Soviet Socialist Republics (29 December 1958)	24 August 1960
United Arab Republic	9 March 1959
United Republic of Tanzania	13 October 1964

B. UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE: GENERAL CONDITIONS OF SALE AND STANDARD FORMS OF CONTRACT SPONSORED BY THE ECE

1. Contracts for the sale of cereals

Nos.	
1A, 1B	
2A, 2B	
3A, 3B	c.i.f. (maritime)
4A, 4B	
5A, 5B	f.o.b. (maritime)
6A, 6B	consignment by Rail in complete Wagon Loads
7A, 7B	c.i.f. Inland Waterway
8A, 8B	f.o.b. Inland Waterway

2. Plant and machinery: durable consumer goods

- 188 General Conditions for the Supply of Plant and Machinery for export.
 Commentary on the General Conditions for the Supply of Plant and Machinery for Export No. 188.
- 188A General Conditions for the Supply and Erection of Plant and Machinery for Import and Export.
- 188B Additional Clauses for Supervision of Erection of Plant and Machinery Abroad.
- 188D Additional Clauses for Complete Erection of Engineering Plant and Machinery Abroad.
- 574 General Conditions for the Supply of Plant and Machinery for Export.
 — Commentary on the General Conditions for the Supply of Plant and Machinery for Export No. 574.
- 574A General Conditions for the Supply and Erection of Plant and Machinery for Import and Export.
- 574B Additional Clauses for Supervision of Erection of Plant and Machinery Abroad.
- 574D Additional Clauses for Complete Erection of Plant and Machinery Abroad.
- 730 General Conditions of Sale for the Import and Export of Durable Consumer Goods and of other Engineering Stock Articles.
 — Commentary on the General Conditions of Sale for the Import and Export of Durable Consumer Goods and of other Engineering Stock Articles No. 730.

3. Miscellaneous

- 312 General Conditions for the International Sale of Citrus Fruit.
- 410 General Conditions for Export and Import of Sawm Softwood.
- 420 General Conditions for the Export and Import of Hardwood Logs from the Temperate Zone.
- Coal/Cond.
 Sales 16. General Conditions for the Export and Import of Solid Fuels.
- Trans/263 General Conditions for International Furniture Removal.
- C. UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT: EXCERPTS FROM THE REPORT OF THE TRADE AND DEVELOPMENT BOARD ON ITS FOURTH SESSION (A/6315, PART TWO, CHAPTER XI)*
3. Consideration of steps to be taken for the progressive development in the field of private international law with a particular view to promoting international trade
166. The Board had before it the text of General Assembly resolution 2102 (XX) entitled "Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade" (TD/B/92).

167. The delegations of Argentina, Bolivia, Brazil, Bulgaria, Cameroon, Ceylon, Chile, Congo (Democratic Republic of), Dahomey, Ecuador, El Salvador, Ethiopia, Ghana, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Lebanon, Madagascar, Mali, Mexico, Morocco, Nigeria, Pakistan, Philippines, Poland, Romania, United Arab Republic, United Republic of Tanzania, Uruguay and Yugoslavia, submitted the following joint draft resolution (TD/B/L.98):

"Progressive development of the law of international trade

"The Trade and Development Board,

"Considering that the development and reinforcement of international economic relations, including trade relations, constitute important factors of economic and social progress,

"Recalling resolution 2102 (XX) adopted unanimously by the General Assembly at its twentieth session, under the terms of which the Assembly will give consideration, at its twenty-first session, to the question of the United Nations organs and other agencies which might be given responsibilities with

* For the final text of this report, see *Official Records of the General Assembly, Twenty-first session, Supplement No. 15.*

a view to furthering co-operation in the development of the law of international trade and to promoting its progressive unification and harmonization',

"*Bearing in mind* the functions and responsibilities that devolve upon UNCTAD under the terms of paragraph 3 of General Assembly resolution 1995 (XIX),

"*Emphasizing* that by its objectives, tasks and composition, UNCTAD is the most appropriate body for the examination, on a permanent basis, of the unification, harmonization and modernization of international trade law, which constitute essential factors in the expansion of international commerce,

"*Considering* that notwithstanding the commendable efforts of various international bodies, including the regional economic commissions, the activities which are being carried out in this field are largely circumscribed to the developed countries, lack co-ordinated direction and do not reflect fully the interests and requirements of the developing countries.

"*Stressing* the need for a world-wide approach in all further action relating to international conventions, agreements and juridical instruments, uniform or model legislation applicable to international trade, standard contract provisions, general conditions of sale, standard trade terms and other measures, as a means of promoting broader and better trade relations between all countries,

"1. *Welcomes* the action thus far taken by the General Assembly on this subject as well as the view expressed by the Assembly that 'the interests of all peoples, and particularly those of the developing countries, demand the betterment of conditions favouring the extensive development of international trade';

"2. *Recommends* to the General Assembly to consider measures to intensify the activities of the United Nations in this respect laying special emphasis on the needs and interests of the developing countries;

"3. *Recommends* also to the General Assembly to recognize the special responsibilities of UNCTAD in this field and assign to it a central role in the progressive development of the law of international trade;

"4. *Recommends* further to the General Assembly to establish within UNCTAD, in conformity with resolution 1995 (XIX), appropriate permanent machinery for the consideration of steps geared to the progressive development of the law of international trade."

168. The representative of Uruguay, introducing the draft resolution on behalf of the sponsors, stated that its purpose was to convey to the Assembly the views of the Board as to the future activities of the United Nations in this field in view of the fact that, at its twenty-first session, the General Assembly would consider the United Nations organs and other agencies which might be given responsibilities in this respect. He recalled that the Assembly had been studying the matter in line with a proposal made by Hungary shortly after the conclusion of the first Conference on Trade and Development to the effect that the United Nations should have a more active role in this field. He further stated that it was essential to intensify efforts in this respect because, notwithstanding the existence of several institutions dealing with certain aspects of the law of international trade, such bodies were limited in scope and membership and lacked adequate direction and co-ordination.

169. The representatives of a number of developing countries and socialist countries of Eastern Europe supported the draft recommendation and stated that UNCTAD should be entrusted with the task of ensuring international co-operation in this field upon the basis of a pragmatic and world-wide approach. Against this background the Board would invite the General Assembly to recognize the special responsibilities of UNCTAD in the field of the progressive development of the law of international trade and assign to it a central role.

170. The representatives of a number of developed market-economy countries, while stressing the importance they attached to the subject-matter of the draft resolution, expressed the opinion that it would be inappropriate for the Board to take a position on the subject because the General Assembly had

decided to consider it at its twenty-first session and had requested the Secretary-General of the United Nations to prepare a report on the subject which was not as yet available. They further noted that it would not be desirable for the Board to prejudge the issue pending the consideration of the matter by the General Assembly in the light of that report.

171. It was agreed that the subject-matter of the draft resolution was of great importance and should be studied further. However, in the light of the considerations stated in the previous paragraph, the Board decided to defer its consideration of the draft resolution until its fifth session pending the circulation of the report prepared by the Secretary-General of the United Nations in accordance with General Assembly resolution 2102 (XX) and the consideration of this matter by the Assembly.

D. EUROPEAN ECONOMIC COMMUNITY: LIST OF MEASURES PROMOTED AND PREPARED BY THE EEC

1. Measures promoted

The Council of the European Economic Community has issued, on proposals submitted by the Commission, several directives which have for their purpose the elimination of restrictions in trade between Member States resulting from differences in technical rules. According to article 189 of the Treaty, directives shall be binding as to the result to be achieved on any Member State to which they are addressed, leaving to the national authorities the choice of forms and means for implementing them.

The directives already issued concern the following matters: admission of colouring matters for foodstuffs (*Official Gazette*, p. 2645/62, 2793/65); preserving agents (*ibid.*, p. 161/64, 3263/65); purity standards for preserving agents (*ibid.*, p. 373/65); health requirements for trade in pigs and cattle (*ibid.*, p. 1977/64); the same for fresh meat (*ibid.*, p. 2012/64); pharmaceutical products (*ibid.*, p. 369/65).

2. Measures being prepared

(a) Draft directives of the Council

The procedure used for the promoted measures is applied in various fields.

(i) *Removal of restrictions in trade resulting from differences in technical rules*: proposals of the Commission of the EEC submitted to the Council in such fields as motor vehicles, farm tractors, pharmaceutical products and industrial tools; and proposals of the Commission under preparation concerning measuring instruments, electrical household appliances and precious metals.

(ii) *Company law*: The Commission has already proposed to the Council a directive for approximating the rules governing the disclosure of various informations, the validity of the acts of directors and the voidability of companies. (This draft has been published in the *Official Gazette*, No. 194 of 27 November 1964, with the opinion of the Comité économique et social). The Commission is preparing other drafts in the same field.

(iii) *Insurance*: a directive is in preparation as regards the co-ordination of the national rules concerning the financial requirements and administrative control of the insurance companies. This proposal of directive is planned to be sent to the Council in a near future.

(b) Draft conventions among member States

Such Conventions, based on article 220 of the Treaty, are under preparation among the Member States with participation of the Commission.

The following are almost completed and not yet signed by the Member States: European patents; recognition of companies and legal persons; legal jurisdiction, recognition and enforcement of judgements in civil and commercial cases.

The following are less advanced: trade marks; models and designs; mergers of companies from different countries; maintenance of legal personality and transfer of a company's headquarters in another Member State; bankruptcy.

E. INTERNATIONAL CHAMBER OF COMMERCE: LIST OF MAIN PUBLICATIONS AND TOPICS OF STUDY

1. Publications

	<i>Document No. and date</i>
<i>International commercial practice</i>	
Incoterms 1953	Brochure 166 (1953/1954)
Trade terms	Doc. 16 (1953/1955)
International commercial terms: Draft international rules regarding sales "Delivered at Frontier" and "Delivered at Point of Destination"	(In preparation)
The Problem of Clean Bills of Lading	Brochure 223 (1963)
Commercial Agency: Guide for the drawing up of contracts between parties residing in different countries	Brochure 213 (1961)
Guide for the Formation of Companies	(In preparation)
<i>Banking technique and practice</i>	
Uniform Customs and Practice for Documentary Credits (Plus list of adherences as at 1 April 1966)	Brochure 222 (1963) Doc 470/INT.79 (1966)
Standard Forms for the Opening of Documentary Credits	Brochure 159 (in course of revision) (1951/1952)
Uniform Rules for the Collection of Commercial Paper	Brochure 192 (in course of revision) (1957)
Simplification of International Payment Orders	Brochure 205 (1959)
<i>Arbitration</i>	
Rules of Conciliation and Arbitration	Brochure "ch" (1955)
Guide to ICC Arbitration	Brochure 63-1 (1963)
Commercial Arbitration and the Law throughout the World	Doc. 11 (1949/1951/1958)
International Commercial Arbitration and the Convention of New York	Brochure 60-1 (1960)
<i>Industrial property</i>	
Model-law on trade marks, trade names and unfair competition	Brochure 210 (1960)
Revision of the Paris Union Convention	Brochure 206 (1959)
<i>Advertising practices</i>	
Code of Fair Practices relating to Advertising and International Rules for the Transmission of Television Advertising	dd 1955-1963 (revision pending)
For the Normalization of Advertising Practices in Europe	209 (1960)
For the Standardization of Tariffs and Contracts of Film Advertising in Europe	225 (1963)
Television Advertising in Europe: Standardization of Rate Cards and Related Documents	238 (1964)

2. Subjects currently being studied by ICC commissions, or scheduled for study

(a) Banking technique and practice

Bank guarantees: study of the problems with a view to achieving some degree of standardization to ensure uniformity in the nature of the guarantees and their operation.

(b) International arbitration

Arbitration between States and private firms, with particular reference to the settlement of investment disputes.

(c) Industrial property

European patents and trade-marks; Licensing of patents, trade-marks and know-how.

(d) Advertising practices

Definition of the basic principles to be taken into consideration by Governments and authorities of the European Economic Community with respect to the harmonization of rules affecting outdoor advertising.

Study envisioning the expansion from the European level to the world-wide level of the recommendations of the ICC brochure 238 relating to standardization of contracts for television advertising.

F. INTERNATIONAL MARITIME COMMITTEE: LIST OF CONVENTIONS PREPARED BY THE IMC

1. Conventions for the Unification of Certain Rules of Law with Respect to Collision, Assistance, Salvage at Sea, Brussels, 20 September 1910
2. International Convention for the Unification of Certain Rules Relating to the Limitation of the Liability of Owners of Seagoing Vessels, Brussels, 25 August 1924 (LNTS 120:123)
3. International Convention for the Unification of Certain Rules Relating to Bills of Lading, Brussels, 25 August 1924 (LNTS 120:155)
4. Convention for the Unification of Certain Rules Relating to Maritime Mortgages and Liens, Brussels, 10 April 1926 (LNTS 176:199)
5. Convention for the Unification of Certain Rules Relating to the Immunity of State-owned Vessels, Brussels, 10 April 1926 (LNTS 176:215) and the Protocol thereto, Brussels, 24 May 1934
6. International Convention Relating to the Arrest of Seagoing Ships, Brussels, 10 May 1952 (UNTS 439:193)
7. International Convention of Certain Rules Concerning Civil Jurisdiction in Matters of Collision, Brussels, 10 May 1952 (UNTS 439:217)
8. International Convention for the Unification of Certain Rules Relating to Penal Jurisdiction in matters of Collision or Other Incidents of Navigation, Brussels, 10 May 1952 (UNTS 439:233)
9. International Convention on the Limitation of the Liability of Owners of Seagoing Ships, Brussels, 10 October 1957
10. International Convention Relating to Stowaways, Brussels, 10 October 1957
11. International Convention for the Unification of Certain Rules Relating to the Carriage of Passengers by Sea, Brussels, 29 April 1961
12. Convention on the Liability of Operators of Nuclear Ships, Brussels, 25 May 1962

G. INTERNATIONAL ASSOCIATION OF LEGAL SCIENCE: NATIONAL COMMITTEES

National committees exist in the following countries: Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, Denmark, Federal Republic of Germany, Finland, France, Greece, Hungary, India, Iran, Israel, Italy, Japan, Lebanon, Luxembourg, Mexico, Netherlands, Nicaragua, Norway, Peru, Poland, Romania, Senegal, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Union of Soviet Socialist Republics, Uruguay, Venezuela, Republic of Viet-Nam, Yugoslavia.

ANNEX II

Additional data on the activities of the International Institute for the Unification of Private Law (UNIDROIT)

A. LIST OF ITEMS ON THE WORKING PROGRAMME OF THE INSTITUTE

[Original text: English]

1. Sale

(a) Convention relating to a Uniform Law on the International Sale of Goods (Corporal Movables) (LUVI). This item still included in the programme of work of the Institute

by reason of Recommendation No. I adopted by the Diplomatic Conference on the Unification of Law governing the International Sale of Goods, held at The Hague in April 1964, which requests the Institute to complete and publish each year a list of judicial and arbitral decisions relating to the interpretation and application of this uniform law. A further reason for the inclusion of this item in the programme of work of the Institute is Recommendation No. II, adopted by the same Diplomatic Conference, according to which the Institute shall establish a Committee composed of representatives of the Governments of interested States for the purpose, first, of reviewing the operation of this Law and preparing recommendations for any Conference of revision (cf. article XIV of the Convention) or, secondly, in the event of the Convention not having come into force by 1 May 1968, of considering what further action should be taken to promote the unification of law on the international sale of goods.

(b) *Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods (Corporeal Movables) (LUFV)*. This item still included in the programme of work of the Institute by reason of Recommendation No. I adopted by the Diplomatic Conference on the Unification of Law governing the International Sale of Goods, held at The Hague in April 1964, which requests the Institute to compile and publish each year a list of judicial and arbitral decisions relating to the interpretation and application of this uniform law.

(c) *Credit sale and hire-purchase*. Work in progress.

(d) *Draft Uniform Law on the Conditions of Validity of the Contract of Sale (LUVAC)*. Work in progress.

(e) *Draft Uniform Law on the Protection of the Bona Fide Purchaser of Goods (Corporeal Movables) (LUAB)*. Work on this draft is still in progress but will presumably be concluded in the course of 1966.

(f) *Draft Convention relating to a Uniform Law on the Contract of Commission on the International Sale or Purchase of Goods (LUCVA)*. It is intended to submit this draft Convention to a diplomatic conference to be convened in the near future.

2. Transport

(a) *Co-ordination of the work of unification concerning the liability of the carrier for personal injuries sustained by passengers*. Work in progress.

(b) *Draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR)*. A diplomatic conference should be convened in 1967 by the Italian Government for the adoption of this draft Convention.

(c) *Draft Convention concerning the Contract for the Carriage of Goods by Inland Waterway (CMN)*. This draft is at the basis of the Convention on the Contract for the Carriage of Goods by Inland Waterway (CMN), which is at present before ECE.

(d) *Preliminary draft Convention on the Contract for the Carriage of Passengers and Luggage by Inland Waterway (CVN)*. Work in progress.

(e) *Draft Convention relating to the Limitation of the Liability of Boat Owners (CLN)*. Work on the draft completed.

(f) *Draft Convention on Salvage Service in Inland Navigation*. On the agenda of the Institute's Working Committee on the Unification of River Law.

(g) *General average in inland navigation*. On the agenda of the Institute's Working Committee on the Unification of River Law.

(h) *Insurance of the civil liability of carriers in inland navigation*. On the agenda of the Institute's Working Committee on the Unification of River Law.

(i) *Jurisdiction of the forum and enforcement of judgements in inland navigation*. On the agenda of the Institute's Working Committee on the Unification of River Law.

(j) *Uniform rules on transport by pipelines*. Work in progress.

(k) *Draft Convention on the Contract of Combined International Carriage of Goods*. A diplomatic conference should

be convened in 1967 by the Austrian Government for the adoption of this draft Convention.

(l) *Draft Convention on the Contract of Forwarding Agency in the International Carriage of Goods*. A diplomatic conference should be convened in 1967 by the Austrian Government for the adoption of this draft Convention.

(m) *Uniform provisions on travel agencies*. Work in progress.

(n) *Uniform provisions on the contract of bailment and the liability of persons and bodies other than the carrier who have goods in their custody in the course of the performance of the contract of carriage*. Work in progress.

(o) *Uniform provisions regarding the inspection and tallying of goods*. Item retained for the future programme of work.

3. Negotiable instruments

Widening of unification among legislations concerning negotiable instruments. Work in progress.

4. Miscellaneous

(a) *Methods of unification and harmonization of law*.

(b) *Study of measures designed to ensure uniformity of interpretation of uniform laws*. The Institute is examining ways and means with a view to implementing the conclusion reached on the basis of its work on this question since 1954. It should be added that the Institute is collecting and editing the most important case law pertaining to international uniform law Conventions (cf. the Institute's quarterly, *Jurisprudence de droit uniforme-Uniform Law Cases*, published since 1956).

(c) *Glossary of legal terms of trade*. Work suspended for the time being.

(d) *Draft Convention relating to a Uniform Law on Agency in Private Law Relations of an International Character (LUR)*. It is intended to submit this draft Convention to a diplomatic conference to be convened in the near future.

(e) *Draft Convention relating to a Uniform Law on the Form of Wills*. It is intended to submit this draft Convention to a diplomatic conference to be convened in the near future.

(f) *Study of the possibility of introducing the principles of the English trust system into legislations of countries other than common law countries—investment companies and unit trusts*. A study on the law relating to investment companies has been submitted to the EEC. Another study on investment companies in the member States of the Council of Europe is in progress and will be submitted to that organization.

(g) *Problems relating to security required of partnerships and co-operatives*. A study of these problems is in progress and will be submitted to the EEC.

(h) *Preliminary draft of a uniform law on the civil liability of motorists*. Work in progress.

B. LIST OF ITEMS ON WHICH THE INSTITUTE HAS BEEN WORKING IN THE PAST

(a) *Draft Uniform Law on Arbitration in Private Law Matters in International Relations (study commenced in 1929)*. The following conventions are based on, or are inspired by, this draft: European Convention of 21 April 1961 on International Commercial Arbitration (concluded under the auspices of ECE); European Convention Providing a Uniform Law on Arbitration (concluded under the auspices of the Council of Europe).

(b) *Draft Convention on the Recognition and Enforcement Abroad of Maintenance Obligations (study commenced in 1929)*. This draft Convention is at the basis of the United Nations Convention of 1956 on the Recovery Abroad of Maintenance and of The Hague Convention of 1956 on the Law applicable to Maintenance Obligations towards Minors.

(c) *Intellectual property (studies commenced in 1929)*

(i) *Preliminary draft Conventions for the Protection of Interpreting and Performing Artists, as well as of Manufacturers of Phonographic Records and other Phonograms; for the Protection of Radio Broadcasts; for the Protection of Press Information; and concerning the Right of Artists to a Percentage of the Proceeds in the case of Resale of their Work*. Within the general

framework of the relations of co-operation established since the foundation of the Institute with the International Bureau for the Protection of Literary and Artistic Property, these four drafts were prepared in collaboration with the International Bureau in 1939. The first and second preliminary drafts inspired the International Convention of 1961 for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations.

(ii) *Right of translators.* Work on this item was suspended in 1938.

(d) *Draft Uniform Law concerning the Liability of Innkeepers (study commenced in 1932).* Drafting completed in 1934. This draft is at the basis of the European Convention on the Liability of Hotel-Keepers concerning the Property of their Guests, concluded under the auspices of the Council of Europe.

(e) *Draft Uniform Law on Compulsory Insurance of Motorists.* Drafting completed in 1937. This draft is at the basis of the Benelux Treaty of 1955 on the Compulsory Insurance against Civil Liability in respect of Motor-Vehicles; and the European Convention on Compulsory Insurance of Motorists, concluded under the auspices of the Council of Europe.

(f) *Preliminary draft of a uniform law on the formation of international contracts by correspondence (studies commenced in 1934).* Drafting completed in 1936. This draft was later utilized in part during the elaboration of the draft uniform law on the Formation of Contracts for the International Sale of Goods.

(g) *Draft uniform rules applicable to international loans (study commenced in 1935).* Drafting completed in 1939. Draft submitted in 1946 to the ICC.

(h) *Study concerning the possibility of elaborating uniform provisions concerning documentary credits (commenced in 1935).* Work on this item was suspended in 1938.

(i) *Study concerning clearings in private law relations (inter alia, between the creditor-exporter and the debtor-importer) and the possibility of elaborating model regulations regarding clearings (commenced in 1935).* Work on this item was suspended in 1939.

(j) *Preliminary study on the legal status of women (study commenced in 1938).* Study carried out at the request of the League of Nations.

(k) *Study concerning insurance against major calamities (study commenced in 1938).* Study submitted in 1947 to the International Relief Union.

(l) *Comparative law study on joint-stock companies (study commenced in 1947).* Study submitted in 1951 to the ICC.

(m) *Preliminary draft Convention on Arbitration between Governments and Individuals (study commenced in 1948).* Work on this draft has been suspended for the time being.

(n) *Draft of an International Convention for the Protection of Cultural Property in Case of War (study commenced in 1950).* Drafting completed in 1951. This draft is at the basis of the UNESCO Convention of 1954 for the Protection of Cultural Property in the event of armed conflict, and Protocol.

(o) *Draft Convention on the Reciprocal Treatment of Nationals as between States (study commenced in 1950).* Drafting completed in 1951. This draft Convention is at the basis of the European Convention on Establishment, concluded in 1955 under the auspices of the Council of Europe.

(p) *Compilation of laws in force in ten immigration countries concerning the legal status of aliens (42 volumes).* Work carried out at the request of the Department of Social Affairs of the United Nations in 1953 and 1954 (cf. Report of the Secretary-General of the United Nations to the ninth session of the United Nations Assembly).

(q) *Compilation of international instruments concluded by ten immigration countries between themselves and with other countries of emigration concerning the legal status of aliens (10 volumes).* Work carried out at the request of the Department of Social Affairs of the United Nations in 1953 and 1954 (cf. report of the Secretary-General of the United Nations to the ninth session of the United Nations General Assembly).

(r) *Study on the possibility of establishing agreements concerning civil procedure between the member States of the*

Council of Europe (study commenced in 1950). Study submitted in 1951 to the Council of Europe.

(s) *Protection of employed drivers of motor vehicles against claims for civil liability (study commenced in 1954).* Study carried out at the request of the International Labour Organization and submitted in 1956 to the ILO.

(t) *Draft Convention on the Contract for the International Transport of Goods by Road (study commenced in 1947).* Drafting completed in 1952. This draft is at the basis of the Convention on the Contract for the International Carriage of Goods by Road (CMR), concluded under the auspices of ECE in 1956.

(u) *Draft Convention concerning Rights "in rem" in Inland Navigation Vessels (CRN) (study commenced in 1957).* Drafting completed in 1960. This draft is at the basis of Protocol No. I to the Convention on the Registration of Inland Navigation Vessels, opened for signature by ECE.

(v) *Draft Protocol on Attachment and Forced Sale of Inland Navigation Vessels (CSN) (study commenced in 1956).* Drafting completed in 1962. This draft is at the basis of Protocol No. II to the Convention on the Registration of Inland Navigation Vessels, opened for signature by ECE.

(w) *Restrictive trading practices (study commenced in 1956).* Work on this item has been suspended for the time being.

C. LIST OF INTER-GOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS WHICH TOOK PART IN THE THIRD MEETING ARRANGED BY THE INSTITUTE

1. Inter-governmental organizations

(a) *Specialized agencies of the United Nations*
International Labour Organisation
Food and Agriculture Organization
World Health Organization
World Meteorological Organization

(b) *Other Inter-governmental Organizations*
United International Bureaux for the Protection of Intellectual Property
The Hague Conference on Private International Law
The International Institute for the Unification of Private Law
The Central Office for International Railway Transport
The Organization for Economic Co-operation and Development

(c) *Regional inter-governmental organizations*
The Council of Europe
The Council of the European Communities
Commission of the Benelux European Economic Community
The European Conference of Ministers of Transport
The Nordic Council
The Danube Commission
The League of Arab States

2. Non-governmental organizations

The International Association of Legal Science
The International Social Security Association
The International Chamber of Commerce
The International Law Association
The International Road Transport Union

ANNEX III*

UNIDROIT: Table of legal activities on the programmes of certain international organizations as of 1 January 1966

[Original text: French]

* This annex is a reproduction of a publication issued by the International Institute for the Unification of Private Law. Although some of the activities described in this annex do not fall within the scope of the law of international trade, the Rome Institute's publication has been reproduced in its entirety because it contains information which may be relevant to the consideration of the item "Progressive development of the law of international trade" by the General Assembly.

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INTRODUCTION

1. As on the occasion of the first two Meetings,^a the organizations which participated in the IIIrd Meeting of Organizations Concerned with the Unification of Law (Rome, 2-4 October 1963) have recognized unanimously that one of the most effective means of preventing the overlapping and duplication of work, of co-ordinating their efforts and thereby of promoting a positive co-operation in the legal field, was to be found in these meetings being held at regular intervals in order to achieve a full and periodical exchange of information about their work in progress.

2. The purpose of the present publication, as of the previous ones,^b is to render more readily available to interested circles the information received from these organizations about their programme of work since the IIIrd Meeting. In view of the fact that the organizations have submitted their information in various ways, it is intended to send them on the occasion of the forthcoming IVth Meeting, which presumably will be held in 1967, a questionnaire which will permit the Institute to publish an up-dated Table setting out the programmes of work of these organizations in a more co-ordinated form which will make the Table easier to consult.

^a The 1st Meeting of Organizations Concerned with Unification of Law was held at Barcelona in 1956 and the IIrd Meeting at Rome in 1959. For the records and minutes of these meetings, see: for the 1st Meeting, *Unification of Law: Yearbook 1956*, vol. II éd. UNIDROIT, 1957; for the IIrd Meeting ID., *Yearbook 1959*, éd. UNIDROIT, 1960; for the IIIrd Meeting, ID., *Yearbook 1963*, éd. UNIDROIT, 1964.

^b See *Tableau des matières juridiques faisant l'objet des programmes de travail des organisations s'occupant de l'unification du droit* (Rome, Editions Unidroit, 1961), and *Tableau des matières qui font l'objet des programmes d'activités de certaines organisations internationales*, IIIrd Meeting, Rome 2-4 October 1963.

3. It should be pointed out that the information given in this document does not pretend to cover the working programme of all organizations concerned with the unification of law, but reproduces only the material received by the Institute from those organizations which have replied to its request.

A. THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

1. *United Nations Economic Commission for Europe (ECE)*
By letter dated 22 March 1966, the Executive Secretary of the Economic Commission for Europe (ECE) has communicated to the Institute changes applicable to the Commission in the 1961 Table as amended in 1963, listing work undertaken since those dates.

In the light of this information, the 1961 Table has been revised as follows, in respect to the legal subjects included in the ECE's work programme.

1. *Law on mining and electric power*

A comparative study, by the Economic Commission for Europe, of the legal systems relating to undertakings engaged in the production, transmission and distribution of electricity and the legal conditions under which transfers across frontiers of electric power and natural gas can best be ensured.

2. *Arbitration*

Adoption, under the auspices of the Economic Commission for Europe, of the European Convention on International Commercial Arbitration (opened for signature on 21 April 1961, entered into force on 7 January 1964 and ratified by thirteen States on 1 January 1966) and of the Arbitration Rules, an optional instrument which is also concerned with international commercial arbitration and the application of which was made possible by the establishment on 18 October 1965 of the Special Committee provided for in the European Convention and by the designation of the national competent authorities (such authorities were designated by twenty-five States).

3. *Transport law*

(a) Conventions prepared in 1960-1965:

(i) World-wide:

Convention on Transit Trade of Land-Locked Countries;

(ii) Under the auspices of the Economic Commission for Europe, in co-operation with UNIDROIT:

Convention on the Registration of Inland Navigation Vessels and two protocols annexed to the Convention, on rights *in rem* and on attachment and forced sale of such vessels;

In co-operation with the International Labour Organisation:

European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR);

Agreement defining special equipment for the transport of perishable food-stuffs and the use of such equipment for the international transport of some of these food-stuffs.

(b) Conventions in the course of preparation:

Under the auspices of the Economic Commission for Europe:

Convention on the Measurement of Inland Navigation Vessels (intended as replacement for the 1925 Convention);

European agreement concerning the International Carriage of Dangerous Goods by Waterway (ADN).

In addition, the Economic Commission for Europe is continuing its work on bringing up to date the technical provisions of existing agreements, notably of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR).

(c) Subjects for future study:

The Economic Commission for Europe will consider: The possible amendment of the Convention on the Contract for the International Carriage of Goods by Road (CMR),

The desirability of resuming its work in co-operation with UNIDROIT on drafting conventions on:
Limitation of the liability of boat owners,
Contract for the international carriage of goods by waterway.

4. Law on sales

Work, under the auspices of the Economic Commission for Europe on the standardization of general conditions of sale for selected commodities.

5. Insurance and banking law

(a) The Economic Commission for Europe is now studying various problems relating to transport insurance law, particularly as regards trade relations between the Eastern European and the Western European countries, notably the possibility of standardizing the different national transport insurance policies, naturally in correlation with the international harmonization of various insurance laws.

(b) In its studies of transport insurance law, the Economic Commission for Europe may take up certain questions of banking law, in view of the bearing of insurance conditions on the opening of commercial credits.

(c) Other aspects of international banking law may be dealt with in the study on the simplification and standardization of external trade documents, also planned by the Economic Commission for Europe.

6. Patents and other means of protecting technical inventions

The Economic Commission for Europe has undertaken the study of certain international problems of industrial property, particularly as regards economic relations between countries with different economic structures.

2. International Labour Organisation (ILO)

Since the second Meeting of Organizations Concerned with the Unification of Law (Rome, 11-15 October 1959), the International Labour Conference has adopted various instruments, as follows:

43rd session (1959)

Conventions:

- Concerning the minimum age for admission to employment as fishermen;
- Concerning the medical examination of fishermen.

Recommendation:

- Concerning occupational health services in places of employment.

44th session (1960)

Convention:

- Concerning the protection of workers against ionizing radiations.

Recommendations:

- Concerning the protection of workers against ionizing radiations;
- Concerning consultation and co-operation between public authorities and employers' and workers' organizations at the industrial and national levels.

45th session (1961)

Convention:

- Concerning the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first thirty-two sessions for the purpose of standardizing the provisions regarding the preparation of reports by the Governing Bodies of the International Labour Office in the working of Conventions.

Recommendation:

- Concerning workers' housing.

46th session (1962)

Conventions:

- Concerning basic aims and standards of social policy;
- Concerning equality of treatment of nationals and non-nationals in social security.

Recommendations:

- Concerning vocational training;
- Concerning reduction of hours of work.

47th session (1963)

Convention:

- Concerning the guarding of machinery.

Recommendations:

- Concerning the guarding of machinery;
- Concerning termination of employment at the initiative of the employer.

48th session (1964)

Conventions and recommendations:

- Concerning hygiene in commerce and offices;
- Concerning benefits in the case of employment injury;
- Concerning employment policy.

49th session (1965)

Conventions:

- Concerning the minimum age for admission to employment underground in mines;
- Concerning medical examination of young persons for fitness for employment underground in mines.

Recommendations:

- Concerning the minimum age for admission to employment underground in mines;
- Concerning medical examination of young persons for fitness for employment underground in mines;
- Concerning the employment of women with family responsibilities.

Mention should also be made of the adoption by the Conference in 1964 of three amendments to the Constitution of the ILO. The first amendment abrogates article 35 of the Constitution, which deals with the application of conventions ratified by Member States in non-metropolitan territories for whose international relations they are responsible and adds a further paragraph to article 19. This new paragraph reads as follows: "With a view to promoting the universal application of Conventions to all peoples, including those who have not yet attained a full measure of self-government, and without prejudice to the self-governing powers of any territory, Members ratifying Conventions shall accept their provisions so far as practicable in respect of all territories for whose international relations they are responsible."

The two other amendments empower the Conference to suspend from participation in the International Labour Conference any member which has been found by the United Nations to be flagrantly and persistently pursuing by its legislation a declared policy of racial discrimination such as apartheid; and to expel or suspend from membership any member which has been expelled or suspended from membership of the United Nations.

These amendments take effect when ratified or accepted by two-thirds of the members of the ILO, including five of the ten members which are represented on the Governing Body as members of chief industrial importance.

The role of co-operatives in the economic and social development of developing countries was first discussed at the 49th session of the Conference (June 1965) and this question will be taken up again at the next session of the Conference (1966) with a view to the adoption of an appropriate instrument.

At this next session the Conference will also be called upon to discuss the following questions for the first time:

- Review of Conventions Nos. 35, 36, 37, 38, 39 and 40 concerning old-age pensions, invalidity insurance and survivors' insurance;
- Certain problems relating to fishermen, viz.:
Accommodation on board fishing vessels;
Vocational training of fishermen;
Fishermen's certificates of competency;

(These questions have been included by the Governing Council in the agenda of the next Conference following the conclusions of a Preparatory Technical Conference on Fishermen's Questions, held at Geneva in October 1965.)

Grievance procedures and communications within the undertaking.

In addition to the normative activities of the International Labour Conference, the following may be mentioned:

The *European Social Charter*, prepared with the technical co-operation of the International Labour Organisation, was adopted in October 1961 by the States members of the Council of Europe.

The revised text of the 1950 Agreement concerning the *Social Security of Rhine Boatmen* was adopted on 13 February 1961, and the new amendment to the 1950 Agreement concerning the *Conditions of Employment of Rhine Boatmen* was unanimously adopted by the Special Tripartite Conference in May 1963.

In addition, the technical provisions of a *standard social security convention* between States, intended to promote the co-ordination of social security plans in Latin America, were adopted at the seventh session of the Inter-American Social Security Conference held in Paraguay (Asunción, May-June 1964).

5. Food and Agriculture Organization of the United Nations (FAO)

I. Food standards

Joint *Food Standards Programme* of FAO and WHO (World Health Organization).

The aim of this Programme is the establishment, and acceptance by States, on a regional or world-wide basis of standards which, after publication in a "Codex Alimentarius" could facilitate the unification of food laws. The work in this field covers the following subjects at the present time:

(a) Six general questions, including regulations governing the use of food additives which have been the subject of a joint FAO/WHO study since 1956;

(b) The standardization of twelve categories of products, including milk and milk products, which, since 1960, have been the subject of a Code of Principles of which four successive editions have already appeared.

II. Regulations governing products for use in agriculture

1. Study on regulations governing *pesticides*. (A model law is to be drawn up and published by FAO.)

2. Study on regulations governing the manufacture and sale of *animal feedstuffs* in Europe.

(This study appeared in 1963 and it is planned to publish an updated edition in 1968.)

III. Veterinary regulations

General study on regulations governing the *import and export of animals, animal products and other potential disease carriers*.

(A special study on regulations governing artificial insemination and international trade in animal semen is to appear shortly.)

IV. Regulations governing fisheries

Study on the standards and conditions governing the *handling, treatment, distribution and quality control of fish*.

(The study mentioned in item 6 of the previous edition of the table, namely that concerning the regulation of sardine fishing in the Mediterranean, is now completed.)

V. Conservation of natural resources (new activities)

1. Preliminary draft of an African convention on the *Conservation and management of wild life and its environment*.

2. Study on legislation governing *hunting and the conservation of wild life in Africa*.

3. Study on legislation governing the *prevention of water-pollution*.

4. Study on legislation governing national parks.

4. United Nations Educational, Scientific and Cultural Organization (UNESCO)

Since the second Meeting (Rome, 11-15 October 1959), the General Conference has adopted the following texts:

At its eleventh session (1960)

Convention and Recommendation against *Discrimination in Education*;

Recommendation concerning the *most Effective Means of Rendering Museums Accessible to Everyone*.

At its twelfth session (1962)

Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may arise between States Parties to the Convention against *Discrimination in Education*;

Recommendation concerning *Technical and Vocational Education*;

Recommendation concerning the *Safeguarding of the Beauty and Character of Landscapes and Sites*.

At its thirteenth session (1964)

Recommendation concerning the *International Standardization of Statistics relating to Book Production and Periodicals*;

Recommendation on the *Means of Prohibiting and Preventing the Illicit Export, Import and Transfer of Ownership of Cultural Property*.

In addition, on 26 October 1961, a diplomatic Conference, convened in conjunction with the International Labour Organisation and the International Union for the Protection of Literary and Artistic Works, adopted an International Convention for the *Protection of Performers, Producers of Phonograms and Broadcasting Organisations*.

At its thirteenth session, the General Conference also took action in connexion with the following:

The safeguarding of cultural property endangered by public and private engineering works:

This will be the subject of a recommendation which, it is anticipated, will be approved by the General Conference in 1966.

The status of teachers:

A draft recommendation concerning the professional, social and economic status of teachers has been drawn up in co-operation with the International Labour Organisation and will be submitted for adoption by a special inter-governmental conference to be convened in 1966.

Principles of international cultural co-operation:

A draft declaration of these principles is being prepared and will be submitted to the General Conference in 1966.

Finally, studies are in progress with a view to the possible drafting of international instruments concerning the *international standardization of library statistics*.

5. International Civil Aviation Organization (ICAO)^c

I. Conventions adopted after 1962:

Convention on offences and certain other acts committed on board aircraft, signed at Tokyo on 14 September 1963.

II. Questions in part A (current work of the present work programme of the Legal Committee):

1. Revision of the *Romz Convention (1952) on damage caused by foreign aircraft to third parties on the surface*. A sub-committee met in March 1965 to study this question. Another meeting is scheduled for March-April 1966.

2. *Liability of the air traffic control agencies*. A sub-committee of the Legal Committee studied this question in March-April 1964 and again in April 1965.

^cThe list is divided in three parts which correspond respectively to the subjects already adopted through a Convention (I), those that are in the current work programme of the Legal Committee and are under study by the Committee itself or any of its Sub-Committees (Part A) (II) and, finally, those that have a lower priority (Part B of the work programme) and are not under study at present (III).

3. *Aerial collisions.* This was the main item considered by the Legal Committee during its session in Montreal in 1964. This question is not finalized yet.
 4. *Problems of nationality and registration of aircraft operated by international operating agencies.* Was studied by a sub-committee in July 1965. Another meeting will be held in 1966.
 5. *Resolution B of the Guadalajara Conference (1961): Legal problems affecting the regulation and enforcement of air safety which have been experienced by certain States when an aircraft registered in one State is operated by an operator belonging to another State.* A sub-committee dealt already with this question, which is still under study, in 1963.
 6. *Study of the possible revision of the limits of liability specified in the Warsaw Convention of 1929, as amended by the Hague Protocol of 1955.* As the result of recent developments, particularly the denunciation by the United States of the Warsaw Convention, and the request for an increase of the liability in force at present, the Council of ICAO has convened a special meeting to deal with this matter, which will be held in February 1966.
 7. *Legal status of aircraft:* Aspects other than those found in the Tokyo Convention. Though it is included in part A of work programme of the Legal Committee of ICAO, it has not been started yet.
- III. *Subjects on the work programme on which no work should be undertaken or directed by the Legal Committee, unless and until a report had been submitted to the Council by the Secretary-General or by the Chairman of the Legal Committee indicating the need for such work and Council had approved, or unless the Assembly or Council otherwise directed that active work should be undertaken:*
1. Study of a system of guarantees for the payment of compensation in pursuance of the Warsaw Convention.
 2. Study with a view to unifying the rules relating to procedure in cases arising under conventions on air law and of the rules of procedure applicable to the execution of judgements.
 3. Research in regard to measures for promoting the uniform interpretation of international private air law conventions and research, in regard to measures to be taken in order to ensure (a) the international authority of judgements by competent tribunals on convention in force on air matters and (b) the distribution and allocation of awards in pursuance of such conventions.
 4. Consideration of problems concerning assistance on sea and land and remuneration therefor.
 5. Resolution D of the Guadalajara Conference (News problems of private air law arising in connexion with the hire, charter and interchange of aircraft, particularly in relation to the liability of a person who makes available to another an aircraft without crew).
 6. *Legal Status of the Aircraft Commander.*
 7. Study of the possible revision of the limits of liability specified in the Warsaw Convention of 1929 as amended by the Hague Protocol of 1955.
 8. Study of a possible consolidation of international rules contained in the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface (Rome, 1952), the draft convention on aerial collisions and the subject of liability of air traffic control agencies.
 9. *Liability in respect of Nuclear Material in Relation to Civil Aviation.*
6. *World Health Organization (WHO)*
1. *Legal matters which have been the subject of studies.*
 1. *Publication of a new list of international biological standards.*
 2. *Revision of the international classification of diseases and causes of death.*
- II. *Legal matters now under study*
1. Study on the clinical and pharmacological evaluation of drugs.
 2. Establishment of food standards (in co-operation with FAO).
 3. Study with a view to the adoption by the various States of a common emblem for the purpose of protecting civilian medical personnel in time of conflict. (In co-operation with the World Medical Association, the International Committee of the Red Cross and the International Committee of Military Medicine and Pharmacy.)
 4. Study on quality control of pharmaceutical preparations.
 5. Study with a view to the improvement of legal provisions concerning the international control of narcotics.
 6. International regulations governing the transport of corpses.
7. *World Meteorological Organization (WMO)*
- The activities of WMO, even when they relate to the preparation of technical regulations to be applied by the member countries, are essentially technical. The texts of these regulations are in the form of operating standards to be applied to meteorological and hydrometeorological services and are not intended to be incorporated in national legislation; they may, however, be the subject of manuals or instructions to be used by the national services.
- B. OTHER INTER-GOVERNMENTAL ORGANIZATIONS
- (a) UNIVERSAL ORGANIZATIONS
1. *United International Bureaux for the Protection of Intellectual Property (BIRPI)*
 1. The United International Bureaux comprise the "International Bureau for the Protection of Industrial Property", established by the Paris Union Convention of 20 March 1883, and the "Office of the International Union for the Protection of Literary and Artistic Works", established by the Berne Convention for the Protection of Literary and Artistic Works of 9 September 1886.
- The United International Bureaux administer the following Conventions and Agreements now in force:
- (1) Convention of the Paris Union for the *Protection of Industrial Property* of 20 March 1883, last revised at Lisbon on 31 October 1958;
 - (2) Berne Convention for the *Protection of Literary and Artistic Works* of 9 September 1886, last revised at Brussels on 26 June 1948;
 - (3) Agreement of Madrid for the *International Registration of Trade Marks* of 14 April 1891, last revised at Nice on 15 June 1957;
 - (4) The Hague Agreement concerning the *International Registration of Industrial Designs and Models* of 6 November 1925, last revised at London on 2 June 1934 and supplemented by the Additional Act of Monaco of 18 November 1961;
 - (5) Agreement of Madrid for the *Prevention of False Indications of Origin on Goods* of 14 April 1891, last revised at Lisbon on 31 October 1958;
 - (6) Agreement of Nice concerning the *International Classification of Goods and Services Covered by Trade Marks* of 15 June 1957.
 - (7) Agreement of Lisbon of 31 October 1958 concerning the protection of appellations of origin and their international registration.
- In addition, the United International Bureaux constitute, with UNESCO and the International Labour Office, the secretariat of the Rome International Convention for the *Protection of Performers, Producers of Phonograms and Broadcasting Organizations* of 26 October 1961.
2. The aim of all the Conventions and Agreements mentioned above is unification and harmonization of the law relating to intellectual property and copyright.
- These diplomatic instruments have constituted all the countries which are parties to them into a Union for the Protection

of Intellectual Property and have thus created a genuine common body of law within the Union, to which the conferences for the revision of the Conventions and Agreements make such improvements as are considered feasible.

This body of law common to the Union is of course designed, so far as intellectual property is concerned, to replace the old system of settlement of conflicts of laws through the machinery of private international law and, ultimately, to abolish the conflicts of laws themselves; however, it is designed also, and primarily, to constitute a uniform international body of law applicable in each country both to nationals and to aliens, and this makes it a body of international law by reason, not of its purpose, but of its source, thus bringing it close to public international law. This effort at unification and harmonization is directed in the following three directions:

Firstly, on many points too numerous to detail in this brief note, they have established a *uniform status for patents, trade-marks, designs and models, indications of origin and copyright*.

Secondly, they have instituted *common international procedures for obtaining the protection of trade-marks and of designs and models*, which was the particular achievement of the Agreements of Madrid and The Hague mentioned in subparagraphs (3) and (4) above.

Lastly, on a plane which is technical rather than legal but which in a sense forms part of the infra-structure on which the further unification of the law can be based, a uniform international classification of goods and services covered by trade-marks was established by the Agreement of Nice, referred to in subparagraph (6) above, which the parties to that Agreement undertook to use as either the principal or the auxiliary system.

All the Conventions and Agreements are universal. Legislative unification is achieved through the drafting of the uniform legislation during the *travaux préparatoires* of the diplomatic Conference and its adoption by the Conference. Such improvements as are deemed possible are effected by the revising Conferences.

3. The tasks performed by the International Bureaux in recent years include the following:

I. With respect to copyright

- (a) African Study Meeting on Copyright, organized in collaboration with UNESCO (Brazzaville, 5-10 August 1963),
- (b) Meeting of an Expert Committee concerning the preparation of the Stockholm Conference to revise the Berne Convention for the Protection of Literary and Artistic Works (Geneva, 18-23 November 1963),
- (c) Meeting of the Permanent Committee of the Berne Union for the Protection of Literary and Artistic Works (New Delhi, 2-7 December 1963),
- (d) Meeting of an African Expert Committee to study a draft model copyright law (Geneva, 30 November-4 December 1964),
- (e) The draft model copyright law was completed and made available to newly independent countries interested in adopting legislation on the subject,
- (f) Meeting of the Permanent Committee of the Berne Union in Paris (November 1965).

II. Industrial property

- (a) African Study Meeting on Industrial Property at Brazzaville (August 1963),
- (b) Conference of Representatives of the Paris Union for the Protection of Industrial Property (Geneva, 30 September-2 October 1964),
- (c) Meeting of a Study Group on the Inventor's Certificate (Geneva, 27-30 January 1964),
- (d) Latin American Congress on Industrial Property (Bogota, 6-11 July 1964),
- (e) International Committee of Patent Offices for the Examination of Inventions (Geneva, 5-6 October 1964),
- (f) Expert Committee to study a draft model law on patents (Geneva, 19-23 October 1964),

- (g) The model law on patents was finalized and made available to newly independent countries interested in adopting legislation on the subject,
- (h) Session of the Expert Committee on Inventors' Certificates (Geneva, March 1965),
- (i) International Committee of Patent Offices for Effecting Preliminary Examination (Geneva, March 1965),
- (j) Session of the Expert Committee on the International Classification of Goods and Services (Geneva, May 1965),
- (k) *Ad Hoc* Committee of Directors of National Industrial Property Offices to draw up regulations under the Agreement of Madrid concerning the International Registration of Trade-Marks (Geneva, November 1965),
- (l) Asian Study Meeting on Industrial Property at Colombo (February 1966).

III. Collaboration with the United Nations

The United International Bureaux collaborate with the Secretariat of the United Nations in the field of industrial property. Such collaboration took place, in particular, in connexion with the preparation of the United Nations report *The Role of Patents in the Transfer of Technology to Developing Countries*.

The report was considered in New York at the third session of the Preparatory Committee for the United Nations Conference on Trade and Development (UNCTAD) and subsequently by UNCTAD itself at its Geneva session from 23 March to 16 June 1964. The United International Bureaux were represented by observers at both sessions. On the occasion of the UNCTAD session, the United International Bureaux prepared and distributed as a Conference document a note on "the role of patents in the transfer of technology to developing countries", and the Director of the United International Bureaux addressed the Third Committee, which had this item on its agenda. The Conference later adopted without dissent a recommendation that, *inter alia*, "competent international bodies, including United Nations bodies and the Bureaux of the International Union for the Protection of Industrial Property, should explore possibilities for adaptation of legislation concerning the transfer of industrial technology to developing countries...".

The United International Bureaux were also invited to be represented by observers at the thirty-seventh session of the Economic and Social Council of the United Nations, held at Geneva in July 1964, when the United Nations report was considered further. The representatives of the United International Bureaux addressed the Economic Committee. The Council adopted a resolution requesting the Secretary-General to take appropriate steps for the reciprocal exchange of information and documentation, and for reciprocal representation at meetings, between the competent international bodies, including United Nations bodies and the Bureaux of the International Union for the Protection of Industrial Property.

That resolution was one of the factors which led to the conclusion of a Working Agreement between the United International Bureaux and the United Nations. The formal terms of the Agreement are contained in an exchange of letters (dated 28 September and 2 October 1964) between the two secretariats. The Agreement provides, *inter alia*, for reciprocal representation by observers at meetings dealing with questions of industrial property.

General Assembly resolution 2091 (XX) includes the following:

"4. Requests that the competent international bodies, including United Nations bodies and the Bureau of the International Union for the Protection of Industrial Property, give particular attention to requests from Governments of developing countries for technical assistance in the field of industrial property legislation and administration."

IV. The work programme of the United International Bureaux during the coming years includes the following:

- (a) Preparation of the Conference to be held at Stockholm in 1967 to revise the Berne Convention for the Protection of

Literary and Artistic Works and preparation for the revision, in certain limited respects, of the *Paris Union Convention for the Protection of Industrial Property*. The Stockholm Conference will also be dealing with the question of revising the structure of the Unions administered by the United International Bureaux and the structure of the Bureaux themselves.

- (b) At a later stage, an over-all revision of the *Paris Union Convention for the Protection of Industrial Property* is scheduled.
- (c) A special agreement concerning a uniform classification of designs and models is also under study.
- (d) Model laws on trade-marks and on designs and models are at present under study.

V. The effort at unification accomplished by BIRPI does not relate only to the development of legislation common to the States parties to the conventions and agreements. It also aims at extending the territorial area to which such common legislation applies. In that connexion, an important result was obtained through the accession of the Soviet Union to the *Paris Union Convention for the Protection of Industrial Property*, which takes effect on 1 July 1965 and which means acceptance by that State of the provisions of the uniform body of law contained in the Convention.

The United International Bureaux has felt some concern at the setbacks which might be suffered in the work of unification achieved by the Convention and Agreements in the field of intellectual property as a result of decolonization and the accession of new States to independence. The uniform legislation which extended to the territory of the colonies by reason of the metropolitan country's membership in the Unions created by these diplomatic instruments would cease to have effect there, once the colonies became independent States, unless those independent States recognized the legislation and drafted their own individual laws. In order to ward off this danger, the United International Bureaux have firstly, striven to have these new States accede to the Conventions and Agreements and considerable results have been obtained in this respect—and, secondly, with the collaboration of delegates from the new States, drafted model laws which, while they do not entirely achieve legislative unification owing to the fact that account must be taken, in some respect, of special conditions in the new States and as a consequence, provision must be made for some variants, nevertheless constitute a large step towards unification.

2. The Hague Conference on Private International Law

A. Activities already completed during the period from 1963 to 31 December 1965.

- (1) *Convention on jurisdiction, applicable law and recognition of decrees relating to adoption*, prepared during the tenth session (1964), signed 15 November 1965.
- (2) *Convention on the service abroad of judicial and extra-judicial documents in civil or commercial matters*, prepared at the tenth session (1964), signed on 15 November 1965.
- (3) *Convention on agreements for the choice of court*, prepared at the tenth session (1964), signed 25 November 1965.

B. Questions under study.

- (4) *The recognition and enforcement of foreign judgements concerning questions of inheritance* (work begun during the tenth session in 1964 and to be finished during an extraordinary session in 1966).
- (5) *Recognition and enforcement of foreign judgements concerning questions of divorce, legal separation and annulments of marriage* (to the moment the study is provisionally confined to divorce and separation).
- (6) *The assumption of jurisdiction and the applicable law in torts (delicts and quasi-delicts)*.
- (7) *The protection of the individual and particularly of privacy and reputation in the international field*.

(8) *Maintenance obligations* not yet governed by the 1956 and 1958 Conventions.

(9) *The recognition of internal adoptions* granted by other States.

(10) The revision of Chapter II concerning *letters rogatory* of the 1954 Convention on Civil Procedure

(11) The right of succession and especially the problems relating to the *administration of estates and to bona vacantia*.

(12) The revision of the Convention for the settlement of *conflicting laws concerning marriage* of 12 June 1902.

(13) *The recognition and enforcement of judgements rendered by a chosen court*.

3. *International Institute for the Unification of Private Law (UNIDROIT) List of items on the working programme of the Institute (see annex II)*

4. *Central Office for International Railway Transport (COIRT)*

A. *Conventions adopted:*

(a) The two international Conventions concerning the *international carriage of goods (CIM) and of passengers and luggage (CIV)* have been partially amended and adopted by the Sixth Revision Conference held at Berne from 20 to 25 February 1961. These two Conventions entered into force on 1 January 1965.

(b) Additional Convention to the Convention concerning the *carriage of passengers and luggage by rail (CIV)* on 25 February 1961, adopted on 26 February 1966 by the Extraordinary Conference held at Berne from 21 to 26 February 1966.

E. *Work in progress*

The Sixth Revision Conference instructed the Central Office: (a) To study the problem of amending the structure of the CIM and CIV Conventions and to prepare a draft for the next ordinary revision conference;

(b) To continue its studies with a view to bringing more closely into line and perhaps later unifying the CIM and CIV Conventions and the Agreements on the international transport of passengers (SMPS) and of goods (SMGS) which are applied by the States of Eastern Europe and in Asia.

5. *Organization for the Collaboration of Railways (OSJD)*

Conventions adopted:

Agreement concerning the international rail transport of goods (SMGS), entered into force on 1 January 1960;

Agreement concerning the international transport of passengers and luggage by rail (SMPS), entered into force on 1 June 1960.

These Agreements were revised in 1964 and 1965 and the new texts have been in force since 1 April 1966.

The Agreements mentioned make no provision for the procedure of ratification and they enter into force by decision of the Committee of the Organization for the Collaboration of Railways (OSJD), provided that none of the members of that organization raises any objection within two months from the date of the Committee's decision.

(b) REGIONAL ORGANIZATIONS

1. League of Arab States

A. *Public law*

1. *Treaty of joint defence and economic co-operation among the States of the Arab League* together with its military annex. Approved by the Council of the League on 13 April 1950.

2. *Convention on the privileges and immunities of the League of Arab States* together with its annex. Approved by the Council of the League on 10 May 1953.

3. *Cultural treaty*. Approved by the Council of the League on 27 November 1945.

4. *Agreement on the extradition of criminals*. Approved by the Council of the League on 14 September 1952.

5. Convention of the Arab Union for wireless communications and telecommunications with its annexes I, II and III. Approved by the Council of the League on 9 April 1953. Various amendments have been successively approved. The last approval to date was on 12 June 1963.
 6. Convention of the Union concerning Arab broadcast transmissions. Approved by the Council of the League on 15 October 1955. Its amendment was approved on 20 April 1965.
 7. Convention concerning co-ordination of petroleum policy. Approved by the Economic Council on 13 March 1960.
 8. Convention on the Pan-Arab Organization of Social Defence. Approved by the Council of the League on 10 April 1960.
 9. Convention on the Pan-Arab Organization of Administrative Sciences. Approved by the Council of the League on 1 April 1961.
 10. Arab Cultural Unity Pact and Statutes of the Arab Organization for Education, Culture and Science. Approved by the Council of the League on 21 May 1964.
 11. Convention organizing Arab co-operation for the use of atomic energy for peaceful purposes.
 12. The basic Statute of the Administrative Tribunal. Approved by the Council of the League on 31 March 1964.
 13. Partial unification of legal terminology.
 - Activities in progress
 1. Draft Statute of an Arab Court of Justice.
 2. Amendment of the Covenant of the League and of its regulations.
 - Projected activities on matters of public law
 1. Unification of technical terminology of administrative and financial law.
 2. Unification of legislations.
- B. Private Law
1. Convention on the service of writs and letters rogatory. Approved by the Council of the League 14 September 1952.
 2. Convention on the enforcement of judgements. Approved by the Council of the League on 14 September 1952.
 3. Convention on the nationality of citizens of Arab States residing outside their country of origin. Approved by the Council of the League on 23 September 1952.
 4. Convention for the promotion of commercial exchanges and the organization transit trade among States of the Arab League and its annexes I and II. Approved by the Council of the League on 7 September 1953.
 5. Agreement amending the Convention for the promotion of commercial exchanges and the organization of transit trade and its annexes I, II, III, IV. Approved by the Council of the League on 15 December 1965.
 6. Agreement amending the Convention for the promotion of commercial exchanges and the organization of transit trade (and its annexes). Approved by the Economic Council on 25 January 1956, 29 May 1957 and 14 January 1959.
 7. Protocol amending the tables annexed to the Convention for the promotion of commercial exchanges and the organization of transit trade. Approved by the Economic Council on 13 March 1960.
 8. Convention on the settlement of current payments and the transfer of capital among the States of the Arab League. Approved by the Council of the League on 7 September 1953.
 9. Agreement amending the Convention on the settlement of current payments and the transfer of capital. Approved by the Economic Council on 15 December 1954. The amended text has been approved by the same Council on 11 January 1959.
 10. Nationality agreement. Approved by the Council of the Arab League on 15 April 1954.
 11. Convention for the adoption of a unified table for the scale of customs duties. Approved by the Economic Council on 25 January 1956.
 12. Founding Act of the Potassium Company Limited. Approved by the Economic Council on 25 January 1956.
 13. Agreement for the establishment of the Arab Financial Institution for Economic Development. Approved by the Economic Council on 3 June 1957.
 14. Protocol amending certain provisions of the Agreement for the establishment of the Arab Financial Institution for Economic Development. Approved by the Economic Council on 3 June 1957.
 15. Convention on economic unity. Approved by the Economic Council on 3 June 1957.
 16. The Arab Common Market. Approved by the Council of Economic Unity on 13 August 1964.
 17. Convention establishing the Arab World Airlines Organization. Approved by the Economic Council on 17 April 1961.
 18. Convention relating to the two freedoms, the first and second, for Arab Civil Aircraft. Approved by the Council of the League on 25 March 1963.
 19. Convention establishing an Arab Maritime Navigation Company. Approved by the Economic Council on 17 December 1963.
 20. Convention for the establishment of an Arab Petroleum Company. Approved by the Economic Council on 17 December 1963.
 21. Protocol amending the Convention establishing an Arab Petroleum Company. Approved by the Economic Council on 6 December 1964.
 22. The Arab Labour Charter and Statutes of the Arab Labour Organization. Approved by the Council of the League on 21 March 1965.
 23. Unified laws for boycotts, protection of literary and artistic property, bills of exchange and for the practice of pharmacy.
- Projects being carried out in the field of private law
1. Unification of legislations in Arab States particularly with regard to the unification of the Civil Code, the Code of Civil Procedure and the Commercial Code.
 2. Unification of legal terminology.
2. Benelux
- (1) Agreements signed and ratified during the years 1963, 1964 and 1965:
 - (a) Treaty on the establishment and status of a Benelux Court of Justice. This treaty was signed by the three Governments on 31 March 1965 but has not yet been ratified;
 - (b) Benelux Convention on Jurisdiction, Bankruptcy, the Execution of Judgements, Arbitral Awards and Official Documents;
 - (c) Convention on Extradition and Mutual Assistance in Criminal Matters. (The two last-mentioned Conventions have already been ratified by two countries.)
 - (2) Drafts and questions under consideration at the governmental level:
 - (a) Treaty on Private International Law;
 - (b) Treaty on Compulsory Insurance against Civil Liability in respect of Motor Vehicles;
 - (c) Standard law on perjury before international judicial bodies;
 - (d) Fraud;

- (e) *Protection of the name and emblem of the United Nations.*
- (3) *Drafts submitted to the Consultative Interparliamentary Council of Benelux:*
- (a) *Contract of agency;*
 - (b) *Power of attorney;*
 - (c) *Enforcement of judicial decisions in criminal matters.*
- (4) *Matters under consideration in the Benelux Commission for the Unification of Law:*
- (a) *Civil section:*
 - (1) *Sale;*
 - (2) *Astreinte* (a daily fine imposed for delay in the fulfilment of a contract or the payment of a debt);
 - (3) *Penalty clauses;*
 - (4) *Commorientes;*
 - (5) *Arbitration under private law;*
 - (6) *Transport insurance.*
 - (b) *Criminal section:*
 - (1) *Transfer of criminal proceedings;*
 - (2) *Applicability of criminal law in space.*

3. Council of Europe

- I. Since 1963, the following Conventions and Protocols have been open for signature by Member States:
 - Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality;*
 - Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions;*
 - Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending articles 29, 30 and 34 of the Convention;*
 - Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the First Protocol thereto;*
 - Convention on the Unification of Certain Points of Substantive Law on Patents for Invention;*
 - European Code of Social Security and Protocol to the European Code of Social Security;*
 - Protocol to the European Convention on the Equivalence of Diplomas Leading to Admission to Universities;*
 - Convention on the Elaboration of a European Pharmacopoeia;*
 - European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders;*
 - European Convention on the Punishment of Road Traffic Offences;*
 - European Agreement for the Prevention of Broadcasts Transmitted from outside National Territories;*
 - Protocol to the European Agreement on the Protection of Television Broadcasts.*
- II. The following Conventions and Protocols will be signed in the near future: *Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending articles 22 and 40 of the Convention;*
 - European Convention providing a Uniform Law on Arbitration;*
 - European Convention on the Establishment of Companies.*
- III. The following Conventions and Protocols are in preparation:
 - European Convention on Foreign Money Liabilities;*
 - European Convention on Consular Functions;*

European Convention on Information on Foreign Law;
European Convention on Lost or Stolen Bearer Securities;
European Convention on the International Transport of Livestock;
Protocol on the Recognition and Enforcement of Arbitral Awards;
Convention on the Adoption of Children;
Convention on the Repatriation of Miners;
Convention on the International Validity of Penal Sentences;
Convention on the Apportionment of Legislative and Judicial Jurisdiction in Criminal Matters;
European Agreement on the Education and Training of Nurses;
European Convention on Social Security for Aliens and Migrants.

- IV. The following subjects are included in the Council's programme of work in the matter of harmonizing national legislation:
- Sale of corporeal real movable objects;*
 - Measures of conservation;*
 - Territorial extent of the consequences of bankruptcy;*
 - Trusts;*
 - Limited liability companies;*
 - Ways and means for a foreigner to institute proceedings against a State for damage committed by an official or an organ of that State;*
 - State immunity;*
 - Compulsory jurisdiction for civil actions against persons enjoying diplomatic immunity;*
 - Unification of rules on goods in bond and the responsibility of persons and institutions other than the transporter for the goods in their care during the execution of the transport contract;*
 - Unification of rules of contract governing the use of oil pipelines;*
 - European highway code;*
 - Exchange of information between Member States concerning their legislative activities in certain spheres of law;*
 - International exchange of draft legislation and regulations in matters relating to the punishment of offenders and to prisons;*
 - Basic juridical concepts;*
 - Place of payment of money liabilities;*
 - Elimination of the need for authentication of documents drawn up by consular or diplomatic officials;*
 - Abolition of visas for stateless persons;*
 - Privileges and immunities of international organisations and of persons assigned to them;*
 - Patents for invention;*
 - European dictionary of legal terminology;*
 - Wines and liquors;*
 - Harmonisation of penalties relating to road traffic regulations (the initial phase calls for the study of minor and less serious offences);*
 - Uniform interpretation of treaties.*

4. European Economic Community (EEC)

- I. *Customs legislation, external trade*
 - Gradual establishment of common procedures for the administration of import quotas for goods entering the Community.*
 - Establishment of a common free list of imports from third countries.*
 - Definition of taxable weight; taxation of containers imported full; tariff treatment of goods reimported after further processing; taxation of small consignments at a flat rate of customs duty; date to be*

used for determining the rate of customs duties on goods declared for consumption; customs treatment of tools imported temporarily from one member State into another; definition of "normal residence" for the purpose of the application of the temporary import system to private road vehicles in relations between member States; reimbursement or remission of duties and charges on goods not released to the importer as being defective; customs treatment of teaching materials temporarily imported from one member State into another; small consignments exempted from customs duty.

Principle of and procedures for the commercial protection of EEC against abnormal practices by third countries; protection against dumping or the payment of bounties or subsidies by countries not members of EEC; common definition of the "Origin of goods"; active processing traffic.

Treatment of customs warehouses and free ports.

Customs clearance.

Gradual abolition of frontier controls (community transit).

II. *Free movement of workers*

Free movement of workers.

III. *Establishment and services*

1. *General*

Entry and residence.

2. *Access to and exercise of economic activities*

Artisan activities; industrial activities (e.g., pharmaceutical industry); trade (wholesale trade, e.g., in pharmaceutical products, and retail trade); middlemen; real estate; business services (publicity); persons in ancillary transportation occupations.

3. *Public labour markets*

Participation of businessmen in public labour markets.

4. *Banking and insurance*

Access to and exercise of the profession.
Banks and other financial institutions; life insurance; direct insurance.
Insurance contracts.

5. *Access to and exercise of the liberal professions*

Technical professions:
Architects; engineers; accountants; surveyors; agronomists.

Cultural professions:

Press; recreational activities.

Medical professions:

Doctors; pharmacists; veterinarians; dentists; opticians; paramedical activities.

Legal professions:

Lawyers; tax consultants; industrial property consultants.

6. *Cinema*

Free rendering of services in the film industry; film certificates of nationality.

7. *Guarantees required of companies*

Limited companies, private limited companies and share-partnership companies: publicity, validity of undertakings, nullity; matters not yet regulated by the first directive.

Co-operatives; other companies constituted under civil or commercial law; legal persons under public or private law.

IV. *Movement of capital*

Direct investments, transfers of capital, short and medium term credits, dealings in securities; modification of the above-mentioned directive; abolition of

discrimination in the issue and sale of foreign securities.

V. *Competition*

1. *Technical obstacles to trade* (motor vehicles and their trailers):

Directional signals; rear number-plates, trailers; approval; braking systems.

Suppression of radio interference; lighting and light-signalling equipment; permissible sound level; brakes for certain types of motor vehicles; safety glass.

Maximum designed speed and seating capacity of agricultural tractors, conveyor vehicles and loading surfaces; approval; braking systems; lighting and light-signalling equipment; protection of the power take-off.

Maximum dimensions, braking systems and lighting equipment of self-propelled harvester-threshers.

Measuring instruments; weights and weighing devices in the medium limit of error category; clinical thermometers; gas meters; liquidometers; measurement of grain weight in hectolitres; measurement of tanker capacity; pressure appliances subject to inspection; low-tension electrical installation equipment; domestic electrical appliances; fertilizers; rules for the construction and operation of oil pipelines; precious metals.

2. *Public contracts*

Procedures for awarding public contracts; procedures for awarding supply contracts.

3. *Pharmaceutical products*

Marketing of branded pharmaceuticals; supervision of branded pharmaceuticals; advertising with regard to branded pharmaceuticals.

Patentability of pharmaceutical products; use of colouring materials in pharmaceutical products.

Reciprocal recognition of licenses for sale.

4. *Price legislation*

5. *Water and air legislation*

6. *Energy legislation*

Stocking of petroleum products.

7. *Posts and telecommunications legislation*

Postal rates.

8. *Elimination or prevention of distortion of competition in special cases*

The legislation adopted by certain member States under articles 101 and 102 of the Treaty of Rome is indicated under this head.

9. *Economic criminal law*

Detection and punishment of infringements of the rules adopted by EEC.

Position under criminal law of civil servants of the European Communities.

10. *Industrial property*

European patent law; European organization to deal with industrial property; European trademark law; European law relating to drawings and models.

11. *Unfair competition*

12. *Company law*

Recognition of companies and legal persons; merger of companies governed by different domestic legal systems; maintenance of legal personality in case of transfer of head office from one country to another; European-type companies.

13. *Law relating to enforcement*

Jurisdiction of courts, recognition and enforcement of decisions in civil and commercial matters, enforcement of public documents; bankruptcy

law; jurisdiction of courts, recognition and enforcement of judicial decisions.

14. *Tax law* (for other tax measures, see under "Transport"):

Turnover taxes (introduction of the tax on value added); structure and application of the tax on value added.

Indirect taxes on accumulations of capital; on insurance contracts.

Elimination of double taxation; consumer taxes; direct taxes on business profits.

VI. *Social law*

(For other social-law measures see under "Transport")

1. *Conditions of work and pay*

Equality of pay for men and women; protection of young workers; maternal welfare.

2. *Social security*

Harmonization of social security systems; social security for migrant and frontier workers; social services for workers

3. *Industrial safety* (accident prevention)

Stud drivers; metal scaffolding; cranes; hoists; transporters; portable electric tools; toxic substances.

4. *Industrial medicine*

Medical services at places of work; European list of occupational diseases.

Medical supervision of workers exposed to special hazards; work with compressed-air equipment.

5. *Vocational guidance*

Development of vocational guidance.

VII. *Agriculture*

1. *Legislation on foodstuffs*

Colouring materials; preservatives; criteria of purity for preservatives; antioxidants; criteria of purity for antioxidants; emulsifiers and stabilizers; cocoa and chocolate; jams, marmalades, fruit jellies and chestnut purée; labelling and packaging; preserves; food extracts, broths and soups; macaroni, spaghetti and similar products; flours, cereal groats and cereal meal, milk products; fruit juices, distillation of wines, methods of analysis and evaluation of wines, oenological practices; pesticide residues in foodstuffs and agricultural products.

2. *Veterinary legislation*

Health requirements for intra-Community trade in animals of the bovine species and swine.

Health problems involved in trade in fresh meats, fresh poultry and meat-based products; health problems concerning fresh meats and animals of the bovine species and swine imported from third countries; expert opinions on intra-Community trade in fresh meats and animals of the bovine species and swine; expert opinions on the approval of slaughter-houses and cutting shops for intra-Community trade in fresh meats.

Use of auxiliary staff for the inspection of poultry and poultry meats.

Boned and pre-packed meats.

Health measures, prevention of tuberculosis and brucellosis, methods of diagnosis.

3. *Forestry legislation*

Measurement and classification of wood in the rough.

4. *Legislation governing plants and seedlings*

Marketing of beetroot seeds, fodder seed, cereal seeds, potato seedling, and forest reproduction materials.

Establishment of a standing committee on agricultural, horticultural and forest plants and seedlings; marketing of vegetable seeds; vine propagation materials.

EEC catalogue of varieties of species of agricultural plants.

5. *Legislation governing plant health*

Measures to prevent the introduction of harmful organisms in plants; control of verrucose gall; marketing of phyto-pharmaceutical products.

6. *Legislation governing animal foodstuffs*

Additives in animal feeding.

Analysis and sampling methods for the supervision of animal foodstuffs.

Definition of simple and compound foods.

VIII. *Transport*

Certain provisions affecting competition in transport by rail, road and inland waterway.

Weights, dimensions and technical requirements for commercial road vehicles operating between member States.

System of bracket ("fork") rates applicable to the transport of goods by rail, road and inland waterway.

Licensing for the transport of goods by road between member States.

Community quota for the transport of goods by road within the Community.

International transport of passengers by road.

Abolition of double taxation of motor cars in international transport.

Duty-free entry of fuel contained in the tanks of utility vehicles and vessels used in inland navigation.

Standardization of the basis for calculating the tax on vehicles and vessels used in inland navigation.

Methods of compensating for certain passenger transport charges.

Financial relations between the railroads and the States and standardization of the accounts of railroads.

Working conditions in the three methods of transport.

Individual log for recording whether the provisions governing hours worked in transport by road and inland waterway have been complied with.

5. *Danube Commission*

1. Study, at meetings of experts from all the Danube countries, of the provisions of the European Code for Inland Waterways (CEVNI) with a view to the formulation of *new basic provisions relating to navigation on the Danube*.

2. Study, at meetings of experts from the Danube countries, of radio-communication questions, with a view to the formulation of recommendations on the *unification of radio-communications for navigation on the Danube*. This unification is to be effected in accordance with the International Telecommunication Convention.

3. Work by a group of experts from the Danube countries on the preparation of *new draft recommendations on the co-ordination of hydro-meteorological observations and of the hydro-meteorological service on the Danube*.

C. *NON-GOVERNMENTAL ORGANIZATIONS*

1. *International Law Association (ILA)*

The 51st Conference, held in Tokyo in 1964, discussed the following subjects:

1. *The Legal Aspects of the Problem of Asylum*: The Committee was requested to prepare draft rules on territorial and diplomatic asylum.

2. *The Charter of the United Nations*: The Compulsory Jurisdiction of the International Court of Justice.
3. *Juridical Aspects of Peaceful Co-existence*: The Rapporteur submitted a list of principles or rules of Peaceful Co-existence. The Conference took note of this report "without prejudging the issue of the definitive character of this list of principles contained therein or the question whether these principles shall be deemed to be juridical principles of co-existence or principles of international law".
4. *Recognition and Enforcement of Foreign Money-Judgments*: The text of a Model Act was approved. This text is given on pages 7-13 of the brochure containing the Tokyo Conference Resolutions.
5. *Family Relations*: Adoption of Children.
6. *International Medical Law*: The diffusion and application of the Geneva Conventions of 1949.
7. *The Extra-territorial Application of Restrictive Trade Legislation (including Anti-Trust Legislation)*: The Committee report dealt with the following matters:
 - (a) The International Law governing Anti-Trust Jurisdiction.
 - (b) The Extra-territorial Application of Restrictive Trade Legislation—Jurisdiction and International Law (with summary of such legislation).
 - (c) The Range of Effect of the Anti-Trust Laws of the United States of America.
 - (d) The Harmonization of Laws and the Development of Principles for the Resolution of Conflicts of Enforcement Jurisdiction; limitations on the exercise of Enforcement Jurisdiction.

The Conference affirmed that the actions of States in this field are subject to rules of international law and that, in practice, possible conflicts between States in this field can be eliminated, reduced or resolved.
8. *Uses of the Water of International Rivers*: The following matters were discussed:
 - (a) Settlement of Disputes: Procedural Rules.
 - (b) Navigational Uses: Draft Articles concerning Navigation.
 - (c) Pollution of Waters Disputes of a Drainage Basin.
9. *Space Law*: The following matters were discussed:
 - (a) A legal régime for outer space.
 - (b) The upper limit of national space.
 - (c) The legal status of space vehicles of international organizations.
 - (d) The liability for damage caused by space vehicles.
 - (e) Assistance to, and return of, astronauts and space vehicles.
 - (f) An international space agency.
 - (g) Telecommunication satellite problems.
10. *International Commercial Arbitration*: The Chairman of this Committee submitted a progress-report on "Arbitration between government-controlled bodies and foreign business firms".

Current Studies of the International Committee

(Helsinki Conference: 14-20 August 1966)

International Commercial Arbitration

The various legal aspects of arbitration between government-controlled bodies and foreign business firms.

Charter of the United Nations

The Changing Role of Arbitration in the Settlement of Disputes between States.

International Security and Co-operation

The legal aspects of Disarmament.

Family Relations

Matrimonial Property Relations.

International Medical Law

The Application of the Geneva Conventions.

The "secret medical", i.e., professional secrecy.

A plan for the study of International Medical Law.

Legal Aspects of the Problem of Asylum

Draft rules on territorial and diplomatic asylum: preparation of a preliminary progress report.

Uses of the Waters of International Rivers

The equitable sharing of uses.

Succession of New States to the Treaties... of their Predecessors

Various developments in this field since the publication of "The Effect of Independence on Treaties" (Stevens-Rothman, 1965).

International Trade Marks

Criminal Remedies in relation to Trade Marks and Unfair Competition.

Human Rights

The implementation of Human Rights (progress report).

Extra-territorial Application of Restrictive Trade Legislation

1. Completing and maintaining the factual material given in the Committee Report to the Tokyo Conference: shipping conferences; cartel policy of the EEC; litigation in the USA, etc.
2. Formulation of rules of international law in this field.
3. Reduction and resolution of conflicts of jurisdiction.

International Trade and Investment

1. *Taxation*:
Double taxation and other measures adversely affecting international trade.
2. *Discrimination*:
 - (a) Non-tariff discrimination in the international movement of goods (quotas, licences, etc.).
 - (b) Discrimination in international transport (cargo preferences, conference schedules, etc.).

Air Law

Nationality and Registration of Aircraft with special reference to Article 77 of the Chicago Convention.

Space Law

1. The legal value of principles 2 and 3 of resolution 1962 (XVIII) adopted at the eighteenth session of the General Assembly of the United Nations; Freedom of access to outer space and celestial bodies.
2. Communication satellites.
3. Legal status of space craft.

Air and Space Law (joint session)

1. Delimitation of air space.
2. Liability for damage caused by aircraft and space craft.

International Monetary Law

1. Current payments and capital payments.
2. Nominalism and guarantee clauses in public international law.
3. Rules of customary public international law in monetary questions: (a) guarantee clauses in private contracts; (b) monetary operations (devaluations and revaluations).

2 International Road Transport Union (IRU)

1. Studies designed to improve customs, fiscal and social legislation governing international road traffic.
2. Problems concerning the implementation of bilateral and multilateral agreements in the international carriage of passengers and goods by road.
3. Problems connected with the simplification and standardization of transport documents.
4. Problems and utilization of the international consignment note in accordance with the Convention on the Contract for the International Carriage of Goods by Road (CMR).

5. Application of the TIR Convention in Europe following the conclusion of an international insurance contract.
6. Co-operation in the preparation of the Draft Convention on the Contract for the International Carriage of Passengers and Luggage by Road.
7. Regulations governing the carriage of perishable foodstuffs, dangerous goods and nuclear materials.
8. International standardization of the maximum standards for commercial vehicles.
9. Memorandum on general transport policy and its consequences (1963).
10. Observations on infra-structure policy (1964).

DOCUMENT A/6396/ADD.1

[Original text: English]
[1 November 1966]

Pursuant to paragraph 7 of the report of the Secretary-General (A/6396), the comments received from the secretariats of the International Institute for the Unification of Private Law and of The Hague Conference on Private International Law are reproduced below.

A. INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

29 July 1966

...

1. The comments made below are those of the secretariat of the Institute and do not necessarily reflect the views of the Institute's Governing Council and General Assembly. It may however be pointed out that both these organs⁹⁰ have welcomed the interest taken by the United Nations General Assembly in the unification and harmonization of the law of international trade, at the same time stressing the desirability of establishing a closer relationship between the Institute and the United Nations with the object of ensuring a more active collaboration between the two organizations and avoiding a duplication of efforts and overlapping of activities. The Institute's General Assembly has included this question of relationship in the agenda of its next session, when it will examine the various possibilities existing in this respect on the basis of a report to be submitted to it by an *ad hoc* committee set up specially for this purpose. Since precise proposals and suggestions on co-operation and co-ordination with the United Nations will in due course be put forward by the Institute to the appropriate United Nations organs, we will make only certain practical suggestions which could facilitate the work of the United Nations Commission on International Trade Law when the proposals contained in the Secretary-General's draft report have been adopted and implemented.

...

2. The draft report contains, in our view, a clear and comprehensive survey of the work achieved or still in progress in the field of unification of the law of international trade and of the various problems involved, and our observations may therefore be limited to a few specific points.

(a) Similarity of the law of international trade—autonomy of the parties' will

3. The extent to which international unification in a

⁹⁰ The Governing Council at its forty-fifth session (12-14 April 1966); the General Assembly at its sixteenth session (15 July 1966).

given branch of law can be achieved and its chances of success depend, generally speaking, on two major factors:

- (i) The practical interest which the settlement of international relations in that branch of the law presents; and
- (ii) The degree of similarity existing in that branch between the various national legal systems to be unified or harmonized.

4. As to (i), the need to simplify and facilitate international commercial relations by means of unifying the relevant laws or practice has long been recognized. It is in the field of commercial law and allied matters that substantial results have been, and can further be, obtained. The United Nations General Assembly resolution 2102 (XX) is further evidence of this need and of the priority that should be given to it.

5. As to (ii), the draft report rightly stresses the fact that there exists a "universal similarity of the law of international trade". We feel, however, that this affirmation should be made subject to certain limitations. Whilst an identity between certain basic concepts underlying the law of international trade⁹¹ of various countries can be said to exist at least sufficiently strong to warrant an attempt at their harmonization or unification, significant divergencies nevertheless remain and should not be under-estimated. One should not forget that commercial usages, both general and local, often prevail over the law. The autonomy of the will of the parties does not always operate in favour of unification and can even represent a cause of divergencies. Moreover, one should not in our view, attribute to the principle of the autonomy of the will of the parties the same importance which it undoubtedly had in the past as a unifying element. The general tendency of legislators nowadays is to restrict the individualistic and liberal conception of trade, developed in the last century, which is still to some extent reflected in the laws of many countries. The law of trade and commerce is no longer conceived as governing solely relations between trade operators but account is more and more taken of the direct and indirect interests of third persons, e.g. of users or consumers. It must be stressed that the evolution of commercial law and allied matters is towards a social concept and away from the so-called professional concept of which the autonomy of the parties' will is perhaps the foremost expression. This tendency will no doubt grow stronger when the efforts to achieve the necessary measure of unification are pursued jointly by countries of different economic structures (such as socialist and non-socialist countries, industrially developed countries and developing countries). Any realistic attempt at unification must take account of this new development.

6. To sum up, the main problem and the main challenge facing formulating agencies is to prevent a too strong influence of sectional interests and to reconcile on the one hand, the duty of the State to protect, by means of coercive rules, the community as a whole

⁹¹ The expression "law of international trade" is taken here in the sense given to it in paragraph 6 of the draft report [see paragraph 10 of the final text in document A/6396] i.e. "the body of rules governing commercial relationships of a private law nature involving different countries". We need not stress the fact that the law of most countries does not distinguish between "internal trade" and "international trade" and that it is therefore often left to international conventions to deal with the international relations aspect.

and, on the other hand, to maintain a certain flexibility and the adaptability necessary for commercial transactions.

7. It is not unlikely that in drafting uniform rules the need will be felt to resort to rules of a compulsory character whose object is to ensure a fair balance of equities as between parties affected by such rules. As regards other clauses of the uniform law which have been drafted with the sole purpose of supplying business circles with convenient formulae to arrange their own transactions, such clauses may be left to the free will of the contracting parties.

...

(b) *Uniformity of interpretation*

8. There is one further aspect of the work of unification which, in our opinion, merits special attention. No work on the unification of law is complete without a study of the means of avoiding divergent interpretation and application of uniform texts. The Institute has carried out detailed research in this respect and will willingly put its studies and conclusions at the disposal of the United Nations.

...

(c) *Role of the United Nations*

9. We note with satisfaction the view expressed in the draft report that an active United Nations participation in the work of harmonization and unification of the law of international trade should not diminish the activities and usefulness of existing formulating agencies but rather enhance them.

10. It would appear that the role of the United Nations in the field of unification of law of international trade is radically different from their role in the field of codification of public international law. In this latter field, the United Nations are acting as the only inter-governmental organization, through the International Law Commission. This is made possible by the fact that there exists no other inter-governmental organization specialized in this particular field and that public international law, owing to the fact that it is not normally incorporated in the national law, would seem a more suitable subject for codification. The position with regard to commercial law is somewhat different in that the degree of specialization in this branch of the law is extremely high; a great number of organizations, governmental and non-governmental, have been operating for many years each in its own field of specialization.

11. It would, in our view, be unreasonable, if not impossible, to concentrate all such activities within one single agency. The only practical way of proceeding in this field is, it would appear, that of collaboration and co-operation between the various specialized bodies under the aegis of the United Nations.

12. It is respectfully submitted that, in order to achieve this objective, the primary task of the United Nations commission on international trade law, whose establishment we welcome, should therefore be one of co-ordination and supervision. It is realized that, in so far as the functions of the proposed commission are concerned, its terms of reference should be flexible so as not to hamper its activities unduly. It is consequently desirable that the proposed commission should be able to act as a formulating agency. However, this may well have the effect of diminishing the traditional

role of existing formulating agencies and it is therefore hoped that the proposed commission will carry out its task with due regard to the activities of these agencies and in full consultation with them.

13. We are of the opinion that the activities of the proposed commission as a formulating agency should in general terms, be limited to:

- (i) Exploring the possibility and desirability of unification on a world level in certain branches of law, by utilizing the wide network of relations existing between the United Nations Secretariat and Member States;
- (ii) Co-ordinating unificatory activities on a world level with certain unificatory activities of a regional character, in order to avoid overlapping;
- (iii) Formulating the guiding lines which should underlie the draft Convention or model laws that are included in the programmes of work of existing agencies;
- (iv) Reviewing such drafts on United Nations level with a view to submitting them to the Member Governments for adoption.

14. We should like to quote here the view expressed by an eminent scholar, the late Professor H. C. Gutteridge, with regard to the future of the unifying process:

"The most urgent problem of all... is that of the waste of effort and confusion that has, at times, been caused by the existence of competing agencies in the work of unification. The remedy for this state of affairs would seem to lie in the establishment of a rallying ground for unificatory activities—a kind of international clearing house—which would co-ordinate and supervise activities of this nature and also facilitate the collection of any information that may be required, either from governmental or other sources. It is not necessary that an authority of this kind should itself undertake the work of drafting the uniform laws. This could, as was done in the past by the League of Nations, be delegated by it to the appropriate bodies... The exercise of these co-ordinating and supervisory functions would appear to be a task falling within the province of the Economic and Social Council established under the provisions of the Charter of the United Nations".⁹²

15. We further express the hope that it will prove possible to associate existing agencies with the formulating activities of the proposed commission by inviting them to send observers to meetings which deal with matters falling within their special competence and to submit comments on texts finalized by the commission.

16. With a view to facilitating co-ordination, the Institute ventures to submit for consideration by the United Nations the following practical suggestion: that the main seat of business of the proposed commission should be on the premises of the Institute. An informal link would thus be established between the two organizations, each retaining its complete independence. This would permit the commission to utilize the facilities of the Institute, in particular its specialized library which has been built up at great costs over a period of forty years.

⁹² See H. C. Gutteridge, *Comparative Law*, 2nd ed. (Cambridge, University Press, 1949), pp. 183-184.

17. It would seem that such an informal link is justified by the fact that the Institute can be considered as the only intergovernmental organization of a universal character whose principal statutory aim is the unification of private law. Furthermore, the main part of the Institute's efforts have been, and still are, devoted to the unification and harmonization of commercial law. The work of the commission will thus, in many respects, be identical to that of the Institute. A close collaboration from the outset, on the lines suggested above, would therefore in our view be desirable.

B. THE HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW

2 August 1966

1. The initiative taken by the Hungarian delegation at the nineteenth session of the General Assembly with a view to inducing the United Nations to take an active interest in the "unification of private law" in matters of commerce must be warmly welcomed by all those who are convinced of the importance of harmonization of law in this field. It may well be that the interest taken by the United Nations in this sphere will give a new impetus to the activities pursued in other organizations. There is certainly a great need to accelerate the development of this work. For it is quite clear that unification in this field should not be delayed too long, if it is desired to avoid the risk of having individual countries proceed to legislative measures on an autonomous basis. It can therefore be said that now is the time that activities undertaken in this direction may have the greatest impact on the developing systems of the newly established nations. It is these States which will probably be able to achieve, by taking a full part in these activities, a far-reaching harmonization of their respective legal systems.

2. The Hague Conference has now been in existence for more than seventy years and is therefore fully conversant with the technical, methodological and organizational problems attendant upon the unification or codification of private international law. Its permanent organization, in existence since a more recent date (1955), is now well-established and enjoys recognition in many countries besides its twenty-three member States. That is why it feels confident that it has a real contribution to make to the attainment of the objectives outlined in the Hungarian proposal, and is fully conscious of its duty to enable non-member States to benefit from such experience and technical know-how as it has acquired during the last decades.

3. At the same time it might well happen that, if certain of the treaties elaborated by the Hague Conference in the field of commercial law were made more widely known, certain States would accede to them or a great number of States would declare themselves in agreement with the cardinal principles embodied in them. This is particularly the case as regards the Convention relating to the international sale of goods, which resolves in a simple and easily understood manner the conflicts of law in that field. This Convention might prove particularly satisfactory to those States which feel that they cannot, or cannot as yet, adopt the Uniform Law on the Sale of Goods, and also, of course, to those States which, while adhering to the 1964 Conventions, wish to find a satisfactory solution for their relations with States that are not contracting parties to the said Conventions.

4. The paramount importance of sound co-ordination in this field is self-evident. Consequently, sound lines

of communication should be created between the United Nations and other international organizations active in this field. Such measures should be taken, firstly, so as to feed the United Nations with the necessary information on what is happening in other centres and, secondly, so as to avoid a collision or overlapping of the activities being undertaken.⁹³

5. Clearly, there will have to be within the United Nations some sort of office or organ to receive information and to act as a clearing-house for any projects that may be announced.⁹⁴

6. It seems that some sort of commission—supported by a secretariat—would be the best form to choose for this, although it is hard to see whether this commission—the report cites the example of the Committee on Housing, Building and Planning—is intended to take policy decisions only on whether it should itself adopt a formulating function. As the difference between these two activities is considerable, the General Assembly might usefully go rather more deeply into this question. The solution might also have a bearing on the kind of "governmental" experts to be designated to sit on such a commission.

7. On former occasions, the Hague Conference has expressed its conviction that work of this kind, in which scholarship is a vital and pervasive element, can best be pursued outside the larger political centres of the world. Even though the results must of course be acceptable to Governments and parliaments which are political bodies with political responsibilities, a text whose groundwork had not been elaborated by men of scholarship might easily suffer from the fact that it was based upon expediency rather than on the best available legal insight, and this even to the point of lacking the essential quality of legislation: solidity.

8. Moreover, whatever form be chosen for the commission, the task to be conferred on its secretariat is considerable, and, as experience shows, it will tend to become increasingly important with the passage of time.

9. However, it would be wrong to imagine that effective codification can be accelerated by creating a certain number of new international organizations. As far at least as codification by treaties is concerned, no results will be forthcoming so long as signatures and ratifications are slow in materializing. The principal bottle-neck is caused not by the organizations themselves but by the scarcity of qualified personnel within the national administrations and parliaments able to devote their limited amount of time to the preparation and adoption of laws approving international conventions. It appears that most national administrations do not have the amount of staff necessary to keep abreast of fast-moving developments at the international level. If participating Governments seriously wish to make greater headway in this respect, it is felt that they

⁹³ It may be useful to stress here, in passing, that the unification of law need not be regarded in itself as being of necessity contradictory to the unification or harmonization of rules governing conflicts of law: in general, the former takes more time than the latter, and even after the formulation of a uniform law on a given subject certain States may not wish to apply the uniform law to commercial relations with States which, for reasons that can be respected, prefer not to subscribe to the uniform law.

⁹⁴ Attention should be drawn, however, to the important initiative of UNIDROIT in convening the famous "Rencontres" (Barcelona 1956, Rome 1959, Rome 1963), which already constitutes the first step in a direction in which other highly useful developments can be expected.

should endeavour to obtain from their respective parliaments sufficient funds to expand substantially the government offices dealing with the ratification of treaties dealing with matters of law.

10. An important element in the new setup will be the form of collaboration with existing international organizations.

11. The Hague Conference proceeded, in 1958, to an exchange of letters with the United Nations in virtue of Economic and Social Council resolution 678 (XXVI) of 3 July 1958. So far, mutual collaboration has been limited to the occasional exchange of information. Therefore, when action is taken by the United Nations on the Hungarian proposal, it might prove an opportune moment to give more substance to this relationship. It would seem that, generally speaking, the work of the projected commission would benefit if provision were made for the representation of existing international organizations active in the field of unification of commercial law. Here, the example set by the Council of Europe in respect of the Committee for Legal Co-operation could usefully be followed. A distinction is made there between organizations permanently represented by reason of their standing interest in the international codification of private law (UNIDROIT, Hague Conference) and others which are invited to participate only when a subject with which they are actually concerned is brought up for discussion.

12. In those cases, however, where the United Nations does not itself wish to undertake the task of formulation, the advantage of having recourse to existing organizations is self-evident. At this point the special position of UNIDROIT should be mentioned. More specifically because this organization does not as a rule itself convene diplomatic conferences, it seems ideally placed to perform the task of formulating—on the basis of the latest developments in the field of legal science—drafts which are capable of serving as a starting-point for final discussions at diplomatic level held at a meeting under the auspices of the United Nations.

13. Although the Hungarian proposal (explicitly) and the report (implicitly) do not consider the unification of conflicts law as a primary objective, it might well happen that in a given case, the experts on the commission would perceive that the matter in hand was not yet ripe for codification in the sphere of uniform substantive law, and that this might lead them to conclude that a solution at the level of conflicts of law would probably enjoy a greater chance of success. Then would be the moment to give effect to what was agreed in the exchange of letters dated 5/10 November 1958, where it was stated that "similarly, the Secretary-General of the United Nations may wish to suggest items for consideration by the Hague Conference and will transmit such suggestions to the Secretary-General of the Conference for such action as he may deem advisable".

14. It would be premature at this stage to emit an opinion on the form the activities of the Conference should take when it had received such a request. The statutes of the Conference provide for the convening of extraordinary sessions. The statutes themselves accept as the sole criterion of a State's eligibility to be proposed as a member participating in its work—apart from a majority vote—that such participation should present an interest of a juristic kind (*intérêt de nature juridique*). It should be possible to find a solution whereby States wishing to take an active part in the

drafting without actually applying for membership of the Conference are allowed to participate in such extraordinary sessions.

15. Summing up briefly, we should like to underscore the following points:

(a) The Hungarian proposal should be welcomed;

(b) The new organs to be created within the United Nations should provide for intimate contacts of a permanent character with existing organizations that have been specially created to be active in this field;

(c) Existing organizations could make a useful contribution to the interests which the United Nations is about to promote.

DOCUMENT A/6396/ADD.2

{Original text: English and French}
{25 November 1966}

With reference to paragraphs 147-166 of the report of the Secretary-General (A/6396) describing the activities of the International Chamber of Commerce in the field of harmonization and unification of the law of international trade, the Council of the International Chamber of Commerce at its 108th session held in Paris on 15 and 16 November 1966 adopted unanimously a resolution, the text of which is reproduced below.

"The International Chamber of Commerce,

"Taking cognizance of the report on 'The Progressive Development of the Law of International Trade' submitted to the twenty-first session of the United Nations General Assembly, in accordance with the terms of resolution 2102 (XX) adopted by it on 20 December 1965;

"Noting that this report suggests the creation of a commission on international trade law whose object would be, among others, to co-ordinate the work of different organizations active in this field, to prepare, and promote the adoption of, new international conventions, model and uniform laws, and the codification and wider acceptance of international trade terms, provisions, customs and practices,

"Observing with satisfaction that the report, in its description of the activities and methods of the above-mentioned organizations, recognizes the importance of the ICC's own action toward progressive development of international trade law and thus reflects the extent to which its contribution has been welcomed,

"Considering that the work already accomplished by the International Chamber of Commerce enables it to make a constructive contribution in the field of the development of international trade law and convinced that this is a sector in which businessmen are particularly competent, given their daily experience of these questions.

"Recalling that such institutions as the Economic and Social Council of the United Nations, and the Trade and Development Board of the United Nations Conference on Trade and Development have been anxious to assure themselves, through appropriate procedure, of the co-operation of the business community,

"Expresses the wish that, should the General Assembly establish a commission on international trade law, the procedural rules of this new body will be such as to associate the business community represented by the ICC on a world-wide scale with the commission's work on a consultative basis."

DOCUMENT A/C.5/1107

Financial implications of the draft resolution submitted by the Sixth Committee in document A/6594

Note by the Secretary-General

[Original text: English]
[15 December 1966]

1. Under the terms of the draft resolution submitted by the Sixth Committee in its report (A/6594, para. 34), the General Assembly would establish a United Nations commission on international trade law, whose object would be the promotion of the progressive harmonization and unification of the law of international trade. The commission, made up of twenty-nine Member States to be elected by the General Assembly at its twenty-second session, would normally hold one regular session a year, meeting alternately at the United Nations Headquarters and the United Nations Office at Geneva. The Secretary-General would be asked to make available to the Commission appropriate staff and facilities required by the commission to fulfil its task. Pending the election of the members of the commission, the Secretary-General would be requested to carry out the preparatory work necessary for the organization of the work of the commission.

2. As the Secretary-General informed the General Assembly in his report on this subject (A/6396 and Add.1 and 2), it would be necessary to establish, within the Office of Legal Affairs, a new secretariat unit devoting its full time to work in this field. To accomplish the preparatory work which the Secretary-General would be asked to undertake in 1967, a nucleus staff, consisting of two professional officers (one D-1 and one P-4) and one secretary (G-3), would be required. The salaries and common staff costs of these staff in the first year are estimated at some \$41,500. Additionally, consultant services would be required to assist in the organization of the future work of the commission. Such services are estimated at \$3,000 for the year 1967. It would also be necessary to make pro-

vision for some travel of staff on official business for the purpose of consulting with international or national organizations and scientific institutions in the field of international trade law. It is estimated that some \$3,000 would be required for this purpose.

3. Since the commission is to come into being through the election of its members by the General Assembly at its twenty-second session, presumably it would hold its first session in 1968. The related servicing costs of these meetings cannot be estimated until the dates and duration are known and considered in the light of the total meetings programme for that year. Accordingly, the Secretary-General would submit revised estimates for 1968 when these factors become known.

4. In the light of the foregoing and in the event of the adoption of the draft resolution by the General Assembly, the Secretary-General would seek additional appropriations, totalling \$47,500, for the year 1967 as follows:

	<i>United States dollars</i>
Section 3. Salaries and wages	
Chapter I. Established posts	28,600
Chapter III. Other temporary assistance (consultants)	3,000
Section 4. Common staff costs	12,900
Section 5. Travel of staff	
Chapter II. Travel of staff on other official business	3,000
TOTAL	<u>47,500</u>

DOCUMENT A/6594*

Report of the Sixth Committee

[Original text: English]
[15 December 1966]

INTRODUCTION

1. At the request of the Hungarian People's Republic, the item entitled "Consideration of steps to be taken for progressive development in the field of private international law with a particular view to promoting international trade" was considered by the General Assembly at its twentieth session. On the basis of the report and recommendations of the Sixth Committee,⁹⁵ the General Assembly at its 1404th plenary meeting, on 20 December 1965, adopted resolution 2102 (XX). The operative part of that resolution reads as follows:

"The General Assembly,

"...

"1. Requests the Secretary-General to submit to the General Assembly at its twenty-first session a comprehensive report including:

"(a) A survey of the work in the field of unification and harmonization of the law of international trade;

"(b) An analysis of the methods and approaches suitable for the unification and harmonization of the various topics, including the question whether particular topics are suitable for regional, interregional or world-wide action;

"(c) Consideration of the United Nations organs and other agencies which might be given responsibilities with a view to furthering co-operation in the development of the law of international trade and to promoting its progressive unification and harmonization;

"2. Decides to include in the provisional agenda of its twenty-first session an item entitled 'Progressive development of the law of international trade'."

2. At its 1415th plenary meeting, on 24 September 1966, the General Assembly decided to include item 88 entitled "Progressive development of the law of international trade" in the agenda of its twenty-first session and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 946th to 953rd and 955th meetings, on 2, 5 to 9 and 14 December 1966.

* Incorporating documents A/6594/Corr.1 and 2.

⁹⁵ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 92, document A/6206.

4. The Sixth Committee had before it a report of the Secretary-General on this subject (A/6396 and Add.1 and 2), which was submitted in accordance with operative paragraph I of General Assembly resolution 2102 (XX). This report was prepared by the Office of Legal Affairs of the United Nations Secretariat on the basis of a preliminary draft elaborated by Professor Clive M. Schmitthoff of the City of London College, whose services had been retained by the Secretary-General for this purpose, and in consultation with the following experts: Dra. Margarita Arguas (Argentina), Dr. Taslim O. Elias (Nigeria), Professor Gyula Eörsi (Hungary), Professor Willis L. Reese (United States) and Professor Mustafa Kamil Yasseen (Iraq).

5. In accordance with the agreement reached during the debate in the Sixth Committee at the twentieth session of the General Assembly, the Secretary-General held consultations with some organs and units of the United Nations, the specialized agencies and other inter-governmental and non-governmental organizations. The International Law Commission advised the Secretary-General that, in view of its many activities and responsibilities and considering its extensive agenda, the Commission did not consider that it would be appropriate for it to undertake responsibilities in the field of the law of international trade. In addition, consultations were carried out with the Secretariat units most directly concerned with responsibilities in this field. The draft report was sent for comments to the secretariat of the United Nations Conference on Trade and Development (UNCTAD), the Department of Economic and Social Affairs, the Centre for Industrial Development and the United Nations regional economic commissions.

6. The Secretary-General sent the draft report for comments to the following specialized agencies: the International Bank for Reconstruction and Development, the Inter-Governmental Maritime Consultative Organization and the International Civil Aviation Organization. Consultations were also carried out with other inter-governmental and non-governmental organizations, namely: the International Institute for the Unification of Private Law, the Hague Conference on Private International Law, the International Chamber of Commerce and the United International Bureaux for the Protection of Intellectual Property.

7. Some of the suggestions received from the above-named United Nations organs, Secretariat units and other institutions were incorporated in the report. Certain observations submitted by the Hague Conference on Private International Law and by the International Institute for the Unification of Private Law, being of a general nature, were published as an addendum to the Secretary-General's report (A/6396/Add.1). The text of a resolution on the subject adopted by the Council of the International Chamber of Commerce was reproduced as document A/6396/Add.2. The Secretary-General of the International Institute for the Unification of Private Law and the Secretary-General of The Hague Conference on Private International Law attended the meetings of the Sixth Committee at which the present item was discussed, and each made a statement at the 946th meeting of the Committee.

8. Chapter I of the report of the Secretary-General contained an analysis of the concept of the term "law of international trade" and explained the two legal techniques which have been used to reduce the conflicts

and divergencies arising from various national laws in matters relating to international trade, i.e., the establishment of rules regulating the conflict of laws and the harmonization of substantive rules. Chapter II consisted of a survey of the work in the field of harmonization and unification of international trade law, by inter-governmental organizations, by regional inter-governmental organizations and groupings and by non-governmental organizations. Chapter III contained an analysis of the methods, approaches and topics which were considered suitable for the progressive harmonization and unification of the law of international trade. The final chapter of the report, chapter IV, dealt with the prospective role of the United Nations in this field; it presented a picture of the progress and shortcomings of the work done and recommended action to remedy the existing shortcomings. In particular it expressed the view that the General Assembly might wish to consider the possibility of establishing a new commission which might be called the United Nations commission on international trade law for the purpose of furthering the progressive development of the law of international trade.

PROPOSALS

9. Argentina, Ceylon, Chile, Colombia, Cyprus, Czechoslovakia, Ecuador, Ghana, Greece, Honduras, Hungary, India, Nepal, Nigeria, Panama, Sudan, the United Arab Republic, the United Republic of Tanzania, Uruguay and Yugoslavia submitted a draft resolution (A/C.6/L.613). Subsequently, Cameroon, Jamaica, Spain and Venezuela (A/C.6/L.613/Add.1) and Bolivia, Romania and the United States of America (A/C.6/L.613/Add.2) added their names to the list of sponsors. In the preamble of the draft resolution the General Assembly would *inter alia*, refer, to the report of the Secretary-General on the progressive development of the law of international trade; reaffirm its conviction that conflicts and divergencies arising from the laws of different States in matters relating to international trade constitute one of the obstacles to the development of world trade; note the efforts made by inter-governmental organizations towards the harmonization and unification of international trade law; note that progress in this area had not been commensurate with the importance and urgency of the problem; express its conviction that it would be desirable for the United Nations to play a more active role in this field; note that such action would be properly within the scope and competence of the Organization under Articles 1 (3) and 13, and Chapters IX and X of the Charter; recall that UNCTAD had a particular interest in promoting the establishment of rules furthering international trade; and recognize that there is no existing United Nations organization which is both familiar with this subject and able to devote sufficient time to work in the field. The operative part of the draft resolution read as follows:

"1. *Decides* to establish a United Nations Commission on International Trade Law which shall have for its object the promotion of the progressive harmonization and unification of the law of international trade.

"Organization of the United Nations Commission on International Trade Law

"2. The United Nations Commission on International Trade Law shall consist of [eighteen] [twenty-one] [twenty-four] [thirty] States, elected by the General Assembly for a term of six years, provided, however, that of the members

elected at the first election, the terms of [six] [seven] [eight] [ten] members shall expire at the end of two years and the terms of [six] [seven] [eight] [ten] other members at the end of four years.

"3. In electing the members of the Commission, the General Assembly shall be guided by the principle of equitable geographical distribution and shall have due regard to the principle that in the Commission as a whole an adequate representation of countries of free enterprise and centrally planned economies, and of developed and developing countries, should be assured.

"4. The representatives of members of the Commission shall be appointed by member States in so far as possible from amongst persons of eminence in the field of the law of international trade.

"5. Retiring members shall be eligible for re-election.

"6. The Commission shall normally hold one regular session a year at the [Headquarters of the United Nations] [European Office of the United Nations].

"7. The Secretary-General shall make available to the Commission appropriate staff and facilities required by the Commission to fulfil its task.

"Functions

"8. The Commission shall further the progressive harmonization and unification of the law of international trade by

"(a) Co-ordinating the work of organizations active in this field and encouraging co-operation among them;

"(b) Promoting wider participation in existing international conventions, and wider acceptance of existing model and uniform laws;

"(c) In collaboration, where appropriate, with the organizations operating in this field, preparing, and promoting the adoption of, new international conventions, model laws and uniform laws, and the codification and wider acceptance of international trade terms, provisions, customs and practices;

"(d) Promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the laws of international trade;

"(e) Collecting and disseminating information on national legislation and modern legal developments in the field of the law of international trade;

"(f) Establishing and maintaining a close collaboration with the United Nations Conference on Trade and Development;

"(g) Maintaining liaison with other United Nations organs and specialized agencies concerned with international trade;

"(h) Taking any other action it may deem useful to fulfil its functions.

"9. The Commission shall submit an annual report, including its recommendations, to the General Assembly, and the report shall be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Any such comments or recommendations which the United Nations Conference on Trade and Development or the Trade and Development Board may wish to make, including suggestions on topics for inclusion in the work of the Commission, shall be transmitted to the General Assembly in accordance with the relevant provisions of General Assembly resolution 1995 (XIX). Any other recommendations relevant to the work of the Commission which the United Nations Conference on Trade and Development or the Trade and Development Board may wish to make shall be similarly transmitted to the General Assembly.

"10. The Commission may consult with any international or national organization, scientific institution and individual expert, on any subject entrusted to it if it considers that such consultation might assist it in the performance of its functions.

"11. The Commission may establish appropriate working relationships with intergovernmental organizations and inter-

national non-governmental organizations concerned with the progressive harmonization and unification of the law of international trade."

10. Following informal consultations, the sponsors of draft resolution A/C.6/L.613, joined by Guatemala, Italy, Mali and Turkey, submitted a revised version of the draft resolution (A/C.6/L.613/Rev.1). Later, Malawi and the Netherlands (A/C.6/L.613/Rev.1/Add.1) and Belgium and Syria (A/C.6/L.613/Rev.1/Add.2) joined the sponsors of the revised draft resolution. In this revision: (a) the reference to "conflicts and" was deleted from the third preambular paragraph, so that the resolution would provide for the General Assembly to reaffirm "its conviction that divergencies arising from the laws of different States in matters relating to international trade constitute one of the obstacles to the development of world trade"; (b) the wording of operative paragraph 3 was changed to provide that the General Assembly should, in the election of the members of the commission, be guided by the principle of equitable geographical distribution "with due regard to the adequate representation of the principal economic and legal system of the world and of developed and developing countries"; (c) operative paragraph 8 (c) was changed to read as follows: "Preparing and/or promoting the adoption of new international conventions, model laws and uniform laws, and the codification and wider acceptance of international trade terms, provisions, customs and practices in collaboration, where appropriate, with the organizations operating in this field;"; (d) a reference to "case law" was introduced into operative paragraph 8 (e) so that it would read as follows: "Collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade;"; (e) the language in operative paragraph 10 was modified to read: "10. The Commission may consult with or request the services of any international or national organization, scientific institution and individual expert, on any subject entrusted to it if it considers that such consultation or services might assist it in the performance of its functions".

11. As a result of further discussions among the sponsors, a second revision (A/C.6/L.613/Rev.2) was submitted by the sponsors. In accordance with the second revised version of the draft resolution, the General Assembly would (a) express, in the second preambular paragraph, its appreciation for the report of the Secretary-General (A/6396 and Add.1 and 2); (b) add the following, as a new third preambular paragraph: "Considering that international trade co-operation among States is an important factor for promoting friendly relations and consequently for the maintenance of peace and security", and (c) provide for reversal of the order of the former third and fourth preambular paragraphs. The operative part of the second revised draft resolution (A/C.6/L.613/Rev.2) read as follows:

"I

"1. *Decides* to establish a United Nations Commission on International Trade Law which shall have for its object the promotion of the progressive harmonization and unification of the law of international trade.

"II

"Organization and functions of the United Nations Commission on International Trade Law

"2. The United Nations Commission on International Trade Law shall consist of States, elected by the

General Assembly at its twenty-second session for a term of six years. In electing the members of the Commission, the General Assembly shall observe the following distribution of seats:

- "(a) from African States;
- "(b) from Asian States;
- "(c) from Eastern European States;
- "(d) from Latin American States;
- "(e) from Western European and other States.

"3. Of the members elected at the first election, the terms of members shall expire at the end of three years. The President of the General Assembly shall select these members within each of the five groups of States referred to in the preceding paragraph by drawing lots.

"4. The members elected at the first election shall take office on 1 January 1968. Subsequently, the members shall take office on 1 January of the year following each election.

"5. In electing the members of the Commission, the General Assembly shall be guided by the principle of equitable geographical distribution with due regard to the adequate representation of the principal economic and legal systems of the world, and of developed and developing countries.

"6. The representatives of members on the Commission shall be appointed by Member States in so far as possible from amongst persons of eminence in the field of the law of international trade.

"7. Retiring members shall be eligible for re-election.

"8. The Commission shall normally hold one regular session a year. It shall, if there are no technical difficulties, meet alternately at the United Nations Headquarters and the United Nations Office at Geneva.

"9. The Secretary-General shall make available to the Commission appropriate staff and facilities required by the Commission to fulfil its task.

"10. The Commission shall further the progressive harmonization and unification of the law of international trade by:

"(a) Co-ordinating the work of organizations active in this field and encouraging co-operation among them;

"(b) Promoting wider participation in existing international conventions, and wider acceptance of existing model and uniform laws;

"(c) Preparing and/or promoting the adoption of new international conventions, model laws and uniform laws, and the codification and wider acceptance of international trade terms, provisions, customs and practices, in collaboration, where appropriate, with the organizations operating in this field;

"(d) Promoting ways and means of ensuring a uniform interpretation and application of international conventions and uniform laws in the field of the law of international trade;

"(e) Collecting and disseminating information on national legislation and modern legal developments, including case law, in the field of the law of international trade;

"(f) Establishing and maintaining a close collaboration with the United Nations Conference on Trade and Development;

"(g) Maintaining liaison with other United Nations organs and specialized agencies concerned with international trade;

"(h) Taking any other action it may deem useful to fulfil its functions.

"11. The Commission shall bear in mind the interests of all peoples and particularly those of developing countries in the extensive development of international trade.

"12. The Commission shall submit an annual report, including its recommendations, to the General Assembly, and the report shall be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Any such comments or recommendations which the United Nations Conference on Trade and Development or

the Trade and Development Board may wish to make, including suggestions on topics for inclusion in the work of the Commission, shall be transmitted to the General Assembly in accordance with the relevant provisions of General Assembly resolution 1995 (XIX). Any other recommendations relevant to the work of the Commission which the United Nations Conference on Trade and Development or the Trade and Development Board may wish to make shall be similarly transmitted to the General Assembly.

"13. The Commission may consult with or request the services of any international or national organization, scientific institution and individual expert, on any subject entrusted to it if it considers that such consultation or services might assist it in the performance of its functions.

"14. The Commission may establish appropriate working relationships with intergovernmental organizations and international non-governmental organizations concerned with the progressive harmonization and unification of the law of international trade.

"III

"15. *Requests* the Secretary-General, pending the election of the Commission, to carry out the preparatory work necessary for the organization of the work of the Commission and, in particular (i) to invite Member States to submit in writing before 1 July 1967, taking into account in particular the report of the Secretary-General (A/6396), comments on a programme of work to be undertaken by the Commission in discharging its functions under paragraph 10 of this resolution and (ii) to request similar comments from the organs and organizations referred to in paragraph 10 (f) and (g) and in paragraph 14 of this resolution;

"16. *Decides* to include an item entitled 'Election of the members of the United Nations Commission on International Trade Law' in the provisional agenda of the twenty-second session of the General Assembly."

12. As a result of additional informal consultations, the sponsors of draft resolution A/C.6/L.613/Rev.2 submitted a third revision (A/C.6/L.613/Rev.3) on 13 December, paragraphs 1, 2, 3 and 5 of which read as follows:

"The General Assembly,

"..."

"1. *Decides* to establish a 'United Nations Commission on International Trade Law' which shall have for its object the promotion of the progressive harmonization and unification of the law of international trade.

"II

"Organization and functions of the United Nations Commission on International Trade Law"

"2. The United Nations Commission on International Trade Law shall consist of twenty-nine States, elected by the General Assembly for a term of six years, except as provided in paragraph 3 of this resolution. In electing the members of the Commission, the General Assembly shall observe the following distribution of seats:

"(a) Seven from African States;

"(b) Five from Asian States;

"(c) Four from Eastern European States;

"(d) Five from Latin American States;

"(e) Eight from Western European and other States.

"3. Of the members elected at the first election to be held at the twenty-second session of the General Assembly, the terms of fourteen members shall expire at the end of three years. The President of the General Assembly shall select these members within each of the five groups of States referred to in the preceding paragraph by drawing lots.

"..."

"5. In electing the members of the Commission, the General Assembly shall also have due regard to the adequate

representation of the principal economic and legal systems of the world, and of developed and developing countries.”

13. In the course of the consideration of the third draft (A/C.6/L.613/Rev.3), it was orally agreed by the representative of Colombia on behalf of the sponsors that a more logical sequence of the operative paragraphs could be achieved by certain changes in the order thereof: (a) specifically, it was proposed to transpose the content of operative paragraph 5 without the opening words: “In electing the members of the Commission” to the end of operative paragraph 2; (b) operative paragraphs 6-16 would be renumbered 5-15;⁹⁶ (c) the consequential changes would be made in renumbered operative paragraph 14 (former paragraph 15). Furthermore, the sponsors orally agreed to the following new wording of renumbered operative paragraph 9 (c) (formerly paragraph 10 (c)):

(c) Preparing or promoting the adoption of new international conventions, model laws and uniform laws, and promoting the codification and wider acceptance of international trade terms, provisions, customs and practices, in collaboration, where appropriate, with the organizations operating in this field;”.

It was also agreed to replace, in the Spanish version of operative paragraph 3, the words “*elegirá por sorteo*” by the words “*designará por sorteo*”.

14. Following the submission of the original draft resolution (A/C.6/L.613 and Add.1 and 2), the Secretary-General presented for the consideration of the Sixth Committee a statement of the administrative and financial implications (A/C.6/L.615) of that draft resolution. Upon the submission of the third revised draft resolution (A/C.6/L.613/Rev.3), he presented a statement of the administrative and financial implications (A/C.6/L.615/Rev.1) of that revised draft resolution.

DISCUSSION

15. Numerous representatives expressed appreciation of the initiative taken by the Hungarian delegation at the twentieth session of the General Assembly with respect to the progressive development of the law of international trade, and welcomed the report of the Secretary-General. The assistance which had been provided by Mr. Schmitthoff in the preparation of the report was recognized as very valuable. The consultations carried on by the Secretary-General with individual experts, with organs of the United Nations and with institutions active in the field had been extremely profitable in the view of numerous representatives.

16. A great number of representatives supported the conclusions of the report, particularly that the United Nations should take an active part in efforts towards the harmonization and unification of the law of international trade. Many representatives stated that this could most appropriately be done by the establishment of a United Nations organ such as the one described in the Secretary-General's report.

17. Several representatives pointed out the extreme importance for developing countries of devoting attention to and participating in efforts towards the progressive development of the law of international

trade. One representative pointed out that since developing countries were not able, by force of circumstance, to participate in numerous international institutions active in this field, their participation in such a United Nations organ as had been proposed was particularly important to them. It was pointed out in this connexion that the commission could be instrumental in improving trade practices that had evolved in the past, which benefited developed countries at the expense of the developing countries.

Functions of the proposed commission

18. Certain representatives considered that the proposed commission should be authorized to take action both in the area of the harmonization and unification of substantive rules relating to trade law and in the field of conflict of law rules. Other representatives considered that the work of the proposed commission should be primarily in the field of the unification of substantive rules.

19. With respect to the specific role that such a commission should perform, representatives expressed varying views. Certain representatives considered that the commission should engage in co-ordinating and centralizing the efforts of organizations already active in the field under discussion, and in promoting the wider acceptance of instruments already in existence. Others considered that the commission should in addition, where appropriate, perform the function of formulating new international instruments designed to further the development of international trade law. One representative expressed the view that the proposed commission should, in its initial endeavours, concentrate on co-ordinating efforts of institutions already active in the progressive development of international trade law, before considering the possibility of initiating new measures in this field while bearing in mind the financial implications.

20. Certain representatives pointed out that the proposed commission's functions did not include the adoption of instruments binding upon States, but that in this connexion a clarification of the scope of the authority would be welcome. In response to this request, it was stated on behalf of the sponsors that under its terms of reference the commission would work out model laws and uniform laws which could then serve as standards which States might wish to consider as guides in the development of their own national legislation, and formulate draft international instruments to which States would give their consideration.

21. Reference was made by several representatives to the fact that the functions of the commission should not be interpreted to imply that it could engage in activities affecting sectors of private international law which fall outside the laws governing commercial transactions, or that it could take steps having a bearing on international trade relations governed by public law.

Collaboration with other organizations

22. It was pointed out by several representatives that, should the commission engage in formulating activities, it should maintain close liaison with the inter-governmental and non-governmental organizations already active in the field in order to avoid overlapping and duplication. In the latter connexion, numerous representatives pointed out the valuable contributions to the progressive development of international trade law

⁹⁶ In drawing up the final text of the draft resolution adopted by the Sixth Committee, the numbering of the paragraphs in the three operative parts was changed to conform to United Nations editorial style.

which had been made by the International Institute for the Unification of Private Law and the Hague Conference on Private International Law. One representative made reference to the fact that both of these institutions had welcomed the establishment of the proposed commission. The Sixth Committee agreed to express its appreciation to these organizations for the major contributions they had made to the work in this field, for their valuable comments on the report of the Secretary-General and for the participation of their representatives in the debates of the Committee. It was suggested that appropriate working relationships should be established between the proposed commission and these two organizations, since the experience and expertise which they had acquired would be of great assistance to the proposed commission. In connexion with the relationship to be established with the two organizations, attention was drawn to the agreements concluded between the Secretary-General of the United Nations and the secretaries-general of those organizations pursuant to Economic and Social Council resolution 678 (XXXVI) of 3 July 1958, and it was suggested that a similar method be followed in connexion with the work of the new commission.

23. Various representatives made mention of the participation of their respective countries in inter-governmental and non-governmental organizations active in this field. Reference was made, for instance, to the Council for Mutual Economic Assistance, the Council of Europe, the Nordic Council, the Asian-African Legal Consultative Commission, the European Economic Community, the Inter-American Council of Jurists, the European Free Trade Association, the United Nations regional economic commissions and to the International Chamber of Commerce and the International Maritime Committee. In this connexion it was pointed out that experience gained by States in the course of participation in such institutions and organizations was relevant to the work of the proposed commission to promote the progressive unification and harmonization of international trade law. It was also pointed out by several representatives that the experience gained by States in seeking to reduce the divergencies existing within their own legal systems could also be relevant to proposed efforts on the international level, which were far more complicated owing to numerous facts such as the variety of legal concepts and languages.

24. During the final stage of the Committee's deliberations and in view of the new formulation of operative paragraph 9 (c) of the draft resolution (A/C.6/L.613/Rev.3), as described in paragraph 13 of the present report, a question arose as to whether the collaboration in operative paragraph 9 (c) mentioned was to be understood to apply to all of the activities of the proposed commission described in that subparagraph. It was agreed by the representatives who spoke on this issue and on behalf of the sponsors that there was no doubt that the collaboration referred to applied to all the activities of the commission enumerated in the sub-paragraph under discussion.

Relationship with the United Nations Conference on Trade and Development (UNCTAD)

25. The Committee discussed the relationship which should exist between work relating to the progressive development of the law of international trade and UNCTAD. Several representatives welcomed the provision in the draft resolution for the submission to

UNCTAD of the reports prepared by the commission for the General Assembly since this would assure the required liaison with the Assembly and would assist the commission in reaching solutions which were attuned to the practical needs of the commercial world. Reference was made to paragraph 14 of General Assembly resolution 1995 (XIX), of 30 December 1964, providing that when the Conference was not in session, the Trade and Development Board carries out its functions.

Size and composition of the proposed commission and terms of office of its members

26. In commenting on the size of the proposed commission, representatives expressed various preferences. However, they agreed that it should be small enough not to be unwieldy but large enough to allow for a membership in which States of the various legal and socio-economic systems and States in different stages of development would be represented. One representative suggested, for example, that there should be between twenty-four and thirty members; another believed that the size should be between twenty-four and twenty-seven; yet another suggested a commission with from eighteen to twenty-four members, while another considered that from twenty-one to twenty-eight would be an appropriate solution. It was pointed out by one representative that it should be borne in mind that in certain areas there existed a scarcity of persons who are highly qualified legal experts in the technical and complicated field of international trade law.

27. Upon the introduction of draft resolution A/C.6/L.613/Rev.3, it was pointed out on behalf of the sponsors that the formulation of the revised version and the distribution of seats provided for in operative paragraph 2 thereof had been arrived at in a spirit of co-operation and compromise. It was hoped that although the solution proposed in the revised draft resolution was not completely satisfactory to all delegations, it could be adopted in the same spirit of co-operation. Several representatives spoke in support of this view.

28. The representative of Ecuador, speaking on behalf of his delegation and the delegations of Bolivia, Colombia, El Salvador, Honduras, Jamaica, Mexico, Panama, Paraguay and Uruguay, and the representative of Venezuela on his own behalf, wished to record the conviction of these delegations that the distribution of seats in the proposed commission, as provided for in the draft resolution (A/C.6/L.613/Rev.3), did not reflect an equitable geographical distribution in respect of the States of Latin America and did not take into consideration the realities of that region. The Ecuadorian representative stated that, in the view of the delegations for which he spoke, the disposition of seats suggested in the draft resolution should not constitute a precedent in respect of any future organs which might be established. The representatives of the African and Asian States, of the Eastern European States and of the Western European and other States, giving the views of their groups or of their own delegations, expressed their belief that the representation provided for was not an equitable solution, but that in the interest of progress and in view of the contribution which the proposed commission could be expected to make, they would accept the compromise reached. Another representative expressed the hope that the resolution would not be interpreted with undue rigidity.

29. The draft resolution (A/C.6/L.613/Rev.3) provided that the term of office of the members of the commission should be six years, but in order to ensure a degree of continuity in its membership, a rotation system was envisaged whereby the terms of office of fourteen of the members elected at the first election—which would take place at the twenty-second session of the General Assembly—would expire at the end of three years; the President at that session would select those fourteen members by drawing lots. The sponsors of the draft resolution agreed that the fourteen members with three-year terms would be selected as follows from the different groups:

- Four from African States;
- Two from Asian States;
- Two from Eastern European States;
- Two from Latin American States; and
- Four from Western European and other States.

Place of meeting

30. With respect to the place where the sessions of the proposed commission should be held, various representatives expressed divergent opinions. It was pointed out, on the one hand, that reasons of economy and efficiency would call for a choice of the United Nations Headquarters as the seat of the proposed commission; on the other hand, some argued it might be more appropriate and convenient if Geneva were chosen. A number of delegations remarked that the commission should co-operate closely with UNCTAD whose headquarters are located in Geneva, in view of the importance of that organ and of its interest in promoting the establishment of rules furthering international trade. It was finally agreed, as a compromise solution, that if there were no technical difficulties, the commission should meet alternately at United Nations Headquarters and the European Office of the United Nations at Geneva.

Time of election of members of the commission and of its first session

31. Certain representatives expressed the need for careful preparation in connexion with the establishment of the proposed commission. Some representatives sug-

gested that prior to the establishment of the commission preliminary studies should be made of subjects which might be suitable for consideration by the commission. Other representatives stated that there was a need for careful consideration of the financial implications of the establishment at the appropriate time of such a commission. It was suggested by several representatives that prior to the election of the members of the commission it might be wise to provide for further study and consultation. It was suggested in this connexion that were such a course to be adopted, during the intervening period the Secretariat could make administrative and technical preparations for the work of the commission and might circulate requests to Member States and to inter-governmental and non-governmental institutions for suggestions as to the work programmes of the commission.

32. It was finally agreed that the commission would be elected by the General Assembly at its twenty-second session and that, pending the election, the Secretary-General would be requested to carry out the preparatory work necessary for the organization of the work of the commission.

VOTING

33. At its 955th meeting, on 14 December 1966, the Sixth Committee adopted unanimously revised draft resolution (A/C.6/L.613/Rev.3), as amended (see para. 13 above). The representatives of Cameroon, Dahomey, Ecuador, France, Ghana, Greece, Mexico, Nepal, Somalia, Venezuela and the United States of America explained their votes.

Recommendation of the Sixth Committee

34. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

ESTABLISHMENT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW

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

DOCUMENT A/6609

Financial implications of the draft resolution submitted by the Sixth Committee in document A/6594

Report of the Fifth Committee

[Original text: English]
[15 December 1966]

1. At its 170th meeting, on 16 December 1966, the Fifth Committee considered a note by the Secretary-General (A/C.5/1107) concerning the financial implications of the draft resolution recommended by the Sixth Committee for adoption by the General Assembly (A/6594, para. 34), relating to the establishment of a United Nations commission on international trade law. The Chairman of the Advisory Committee on Administrative and Budgetary Questions reported orally on behalf of that Committee.

2. One delegation questioned the necessity for a post at the D-1 level in the unit to be established.

3. The Fifth Committee decided to inform the General Assembly that, should it adopt the Sixth Committee's draft resolution, an additional appropriation in

the amount of \$47,500 would be required, divided as follows among the sections of the budget for 1967: \$31,600 under section 3 (Salaries and wages); \$12,900 under section 4 (Common staff costs); \$3,000 under section 5 (Travel of staff). The Fifth Committee also decided to advise the Assembly that the costs of the first session of the commission, which would be held in 1968, would be the subject of revised estimates for that year, to be submitted to the General Assembly at its twenty-second session.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1497th plenary meeting, on 17 December 1966, the General Assembly adopted unanimously the draft resolution submitted by the Sixth Committee (A/6594, para. 34). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2205 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 88 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/C.6/L.613 and Add.1 and 2	Argentina, Bolivia, Cameroon, Ceylon, Chile, Colombia, Cyprus, Czechoslovakia, Ecuador, Ghana, Greece, Honduras, Hungary, India, Jamaica, Nepal, Nigeria, Panama, Romania, Spain, Sudan, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia: draft resolution	See A/6594, para. 9
A/C.6/L.613/Rev.1 and Add.1 and 2	Argentina, Belgium, Bolivia, Cameroon, Ceylon, Chile, Colombia, Cyprus, Czechoslovakia, Ecuador, Ghana, Greece, Guatemala, Honduras, Hungary, India, Italy, Jamaica, Malawi, Mali, Nepal, Netherlands, Nigeria, Panama, Romania, Spain, Sudan, Syria, Turkey, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 10
A/C.6/L.613/Rev.2	Argentina, Belgium, Bolivia, Cameroon, Ceylon, Chile, Colombia, Cyprus, Czechoslovakia, Ecuador, Ghana, Greece, Guatemala, Honduras, Hungary, India, Italy, Jamaica, Malawi, Mali, Nepal, Netherlands, Nigeria, Panama, Romania, Spain, Sudan, Syria, Turkey, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 11
A/C.6/L.613/Rev.3	Argentina, Belgium, Bolivia, Cameroon, Ceylon, Chile, Colombia, Cyprus, Czechoslovakia, Ecuador, Ghana, Greece, Guatemala, Honduras, Hungary, India, Italy, Jamaica, Malawi, Mali, Nepal, Netherlands, Nigeria, Panama, Romania, Spain, Sudan, Syria, Turkey, United Arab Republic, United Republic of Tanzania, United States of America, Uruguay, Venezuela and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 12
A/C.6/L.615	Financial implications of the draft resolution contained in document A/C.6/L.613: note by the Secretary-General	Mimeographed
A/C.6/L.615/Rev.1	Financial implications of the draft resolution contained in document A/C.6/L.613/Rev.3: note by the Secretary-General	Ditto



Agenda item 90:* Restoration of the lawful rights of the People's Republic of China in the United Nations**

C O N T E N T S

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/6391	Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania and Syria: request for the inclusion of an additional item in the agenda of the twenty-first session . . .	1
A/L.496 and Add.1	Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Pakistan, Romania and Syria: draft resolution	2
A/L.500	Belgium, Bolivia, Brazil, Chile, Italy and Trinidad and Tobago: draft resolution	3
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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Plenary Meetings*, 1470th to 1481st meetings.

** Since 1961, this question has been discussed by the General Assembly at the following sessions: sixteenth session (agenda item 90 and 91), seventeenth session (agenda item 92), eighteenth session (agenda item 80), twentieth session (agenda item 102).

DOCUMENT A/6391

Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania and Syria: request for the inclusion of an additional item in the agenda of the twenty-first session

[Original text: French]
 [29 August 1966]

LETTER DATED 29 AUGUST 1966 FROM THE REPRESENTATIVES OF ALBANIA, ALGERIA, CAMBODIA, CONGO (BRAZZAVILLE), CUBA, GUINEA, MALI, ROMANIA AND SYRIA TO THE SECRETARY-GENERAL

On the instructions of our Governments, we have the honour to request you to include an item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations" in the agenda of the twenty-first regular session of the General Assembly, as being a question of an urgent character.

In accordance with rule 20 of the rules of procedure of the General Assembly, we enclose an explanatory memorandum.

(Signed)

Sokrat ÇOMO <i>Albania</i>	TOURÉ Hady <i>Guinea</i>
Hadj B. AZZOUT <i>Algeria</i>	Mamadou M. THIAM <i>Mali</i>
Huot SAMBATH <i>Cambodia</i>	Gheorghe DIACONESCU <i>Romania</i>
Jean MOMBOULI <i>Congo (Brazzaville)</i>	George J. TOMEH <i>Syria</i>
Carlos MORALES QUEVEDO <i>Cuba</i>	

EXPLANATORY MEMORANDUM

1. The Governments of Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania and Syria, convinced of the validity of the position which they have defended and supported in the past, believe that the question of the restoration of the lawful rights of the People's Republic of China in the United Nations is vital for the future of the Organization.

2. Ever since joining the United Nations, these Governments have unceasingly protested, through their representatives, against the unjustifiable ostracizing of the lawful Government of China, the authentic and worthy representative of a great people which is heir to a remarkable civilization and which has, resolutely, courageously and in an irreversible manner, chosen the path of progress. It is obvious that the refusal to restore to the People's Republic of China the seat which belongs to it by right is an extremely grave denial of justice and inconsistent with one of the essential principles of our Organization, namely that of universality. This refusal, based on considerations which are entirely political, is contrary to the spirit which guided the creation of our Organization.

3. A founding Member of the United Nations and a permanent member of the Security Council, China, with its population of 700 million—that is to say, about one quarter of the world's population—has since 1949, by systematic obstructionist artifices, been refused the right to occupy the seat which legally has always belonged to it, and hence the right to play fully in international life the role which it is recognized as possessing and to which it is entitled, and to make what would unquestionably be a valuable contribution. Entrusting the representation of the Chinese people to Chiang Kai-shek's clique can only be described as an absurd and obstinate refusal to recognize realities.

4. In the field of international relations, it should be recalled that the Government of the People's Republic of China has always followed a policy aimed at settling by peaceful means disputes which may exist or arise between independent States. In that connexion, it may be pointed out that China, as a signatory, has

always scrupulously respected the Geneva Agreements of 1954 on Indo-China and those of 1962 on Laos.

5. The facts prove beyond doubt that China earnestly desires peace and peaceful coexistence with all countries, standing aloof from all threats and on a basis of equality and mutual respect. Moreover, like a great many of the States Members of the United Nations China has always expressed support for those peoples struggling against colonialism in all its forms in order to exercise their right to self-determination in conformity with the principles of the United Nations Charter.

6. The United States of America, which is violating the principles and objectives of the Charter by opposing the restoration to the People's Republic of China of its rights in the United Nations, continually slanders that country by accusing it of rejecting all international co-operation, and seeks to spread alarm by representing China as an irreconcilable enemy of those countries which do not share its ideology. Our Governments are in a position to contradict such assertions; although they are States with differing political, economic or social systems, they maintain friendly relations with China, as with most States of the international community. In this connexion, it should be noted that the People's Republic of China has always displayed full respect for the independence and dignity of other countries.

7. The state of the diplomatic, political, commercial and cultural relations maintained by a large number of countries with China provides a good illustration of this attitude, which is inspired by a concern for co-operation in every sphere with other countries, on a basis of equality and mutual respect. For this reason, our Governments believe that the only just and realistic attitude would be the abandonment of the "quarantine" policy which certain Powers have pursued for more than sixteen years with regard to the People's Republic of China. It is frankly admitted and recognized that no important international problem can be solved without the participation of China. This fact has been confirmed—if any further confirmation was needed—by the accession of China to the rank of a nuclear Power. It has been amply demonstrated that it is impossible to exclude China from great decisions while at the same time

requiring it to subscribe to the obligations imposed by agreements which it had no part in concluding. It is contradictory to recognize, on the one hand, the international role of the People's Republic of China and to dispute, on the other hand, its lawful place in the United Nations, whose main purpose is a common search for solutions to problems which concern all the peoples of the world.

8. The myth of a so-called "Republic of China", which has been fabricated out of a portion of Chinese territory, is too grotesque to stand up against the reality of the existence of the People's Republic of China. Some of us are aware that the unlawful authorities installed in the island of Taiwan, who brazenly claim to represent China, only remain there thanks to the armed forces of the United States of America, a country which opposes the restoration of the lawful rights of the People's Republic of China in the United Nations.

9. It is the duty of the United Nations, and in its interests, to put an end without further delay to this unjust and unacceptable *de facto* situation which some have sought to impose and maintain for sinister purposes, in defiance of established legal principles, and which, through the unhappy precedent which it creates, cannot but give rise to uncertainty regarding the future of the national and territorial unity of many Member States.

10. Our Governments are convinced that the restoration to the People's Republic of China of its lawful rights in the United Nations and in all its subsidiary bodies, and the recognition of the representatives of the Government of the People's Republic of China as the sole legitimate representatives of China in the United Nations, is absolutely necessary in order to strengthen the authority and prestige of the Organization. This implies the immediate expulsion of the representatives of Chiang Kai-shek's clique from the seat which they illegally occupy in the United Nations and in all the bodies affiliated to it. Our Governments consider that delaying this move would only help further to weaken the authority of the United Nations in the eyes of the international community at a time when it is in such need of this authority in order to achieve its principal objectives.

DOCUMENT A/L.496 AND ADD.1*

Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Pakistan, Romania and Syria: draft resolution

[Original text: French]
[16 November 1966]

The General Assembly,

Recalling the principles of the Charter of the United Nations and the universal role that the United Nations is called upon to play,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations,

* Document A/L.496/Add.1, dated 17 November 1966, added Mauritania to the list of sponsors of the draft resolution.

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only lawful representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

DOCUMENT A/L.500

Belgium, Bolivia, Brazil, Chile, Italy and Trinidad and Tobago: draft resolution

[Original text: English]
[21 November 1966]

The General Assembly,

Having considered the question of the representation of China,

Believing that a solution of the question of Chinese representation, which accords with the principles of the Charter of the United Nations and the aim of universality, would further the purposes of the United Nations and strengthen its ability to maintain international peace and security,

Believing that the complexities of this question require the most searching consideration in order to pave the way to an appropriate solution, taking into account the existing situation and the political realities of the area,

1. *Decides* to establish a Committee of . . . Member States, to be appointed by the General Assembly, with the mandate of exploring and studying the situation in all its aspects in order to make the appropriate recommendations to the General Assembly at its twenty-second session for an equitable and practical solution to the question of the representation of China in the United Nations, in keeping with the purposes and principles of the Charter ;

2. *Appeals* to all Governments concerned to give assistance to the Committee in its search for such a solution.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1481st plenary meeting, on 29 November 1966, the General Assembly, by a vote of 66 to 48, with 7 abstentions, adopted the draft resolution submitted by fifteen countries (A/L.494 and Add.1). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2159 (XXI).

At the same meeting, the General Assembly, by a vote of 57 to 46, with 17 abstentions, rejected the draft resolution submitted by eleven countries (A/L.496 and Add.1).

At the same meeting, the General Assembly, by a vote of 62 to 34, with 25 abstentions, rejected the draft resolution submitted by six countries (A/L.500).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 90 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/L.494 and Add.1	Australia, Belgium, Bolivia, Brazil, Colombia, Gabon, Italy, Japan, Madagascar, New Zealand, Nicaragua, Philippines, Thailand, Togo and United States of America: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 2159 (XXI)



Agenda item 92:* Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Plenary Meetings*, 1459th, 1461st, 1463rd, 1465th to 1469th and 1482nd meetings.

DOCUMENT A/6393

Czechoslovakia: request for the inclusion of an additional item in the agenda of the twenty-first session

[Original text: English]
[19 September 1966]

LETTER DATED 19 SEPTEMBER 1966 FROM THE REPRESENTATIVE OF CZECHOSLOVAKIA TO THE SECRETARY-GENERAL

Upon instructions received from my Government, I have the honour, in accordance with rule 15 of the rules of procedure of the General Assembly, to propose for inclusion in the agenda of the twenty-first session an additional item of an urgent and important character entitled "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination".

The explanatory memorandum is enclosed.

(Signed) Milan KLUSÁK
Permanent Representative of the Czechoslovak Socialist Republic to the United Nations

EXPLANATORY MEMORANDUM

1. A number of events have taken place in the world, particularly in the recent period, deeply alarming all those who are interested in the maintenance of peace and international security.

2. There have been instances of the use of force in international relations, of gross violations of territorial integrity and independence of sovereign States and denials of inalienable rights of nations which have embarked upon the road of national liberation.

3. Those manifestations of the policy of force in international relations have inflicted suffering upon

millions of people, particularly upon States and nations, which have been frequently forced to defend their freedom and independence by armed struggle. At the same time, the above actions have constituted a grave danger of world-wide conflict.

4. Unlawful actions of such character are contrary to the purposes and principles of the Charter of the United Nations. The respect for and strict observance of the obligations ensuing from the Charter of the United Nations and from other international treaties and agreements in force constitute an imperative condition for peace in the present historical epoch. The prohibition of the threat and use of force in international relations as well as the respect for the right of peoples to self-determination belong to the principles the violation of which might have gravest consequences for a peaceful development of mankind. It is precisely these principles which constitute corner-stones of the United Nations Charter.

5. All Members of the United Nations, and the Organization itself, are in duty bound resolutely to defend the principles of the Charter which have been violated, and to ensure their strict and undeviating observance. Therefore, it is proposed that the General Assembly at its twenty-first session should consider, as a matter of urgency, the question of the strict observance of the prohibition of the threat or use of force in international relations, and of the principle of self-determination of peoples, should undertake measures conducive to ensuring peaceful relations among States

and to strengthening their security, and should support the struggle of nations for freedom, independence and independent development.

6. In view of the situation prevailing on the world scene today, it is desirable that—in the interest of attaining the above objectives—the General Assembly

should solemnly affirm the principle of the prohibition of the threat or use of force in international relations as well as the right of peoples to self-determination, should resolutely condemn any violation of these principles and should call upon all States to observe them strictly and unconditionally.

DOCUMENTS A/L.493 AND ADD.1 AND 2

Algeria, Congo (Brazzaville), Czechoslovakia, Guinea, India, Iraq, Mali, Mauritania, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia: draft resolution

[Original text: English]
[11 November 1966]

The General Assembly,

Drawing the attention of States to the fundamental obligations incumbent upon them in accordance with the Charter of the United Nations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security due to the arbitrary use of force in international relations

Reaffirming the legitimacy of the struggle by the peoples under colonial rule to exercise their right to self-determination and independence and the right of every nation, large or small, to choose freely and without any external interference its political, social and economic system,

Recognizing that peoples subjected to colonial oppression are entitled to seek and receive support and assistance in their legitimate struggle,

Firmly convinced that it is within the power and in the vital interest of the nations of the world to establish genuinely sound relations between States, based on justice, equality, mutual understanding and co-operation,

Recalling the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX) of 21 December 1965,

I

Solemnly declares:

1. All States are in duty bound strictly to observe, in their international relations, the prohibition of 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. Accordingly, an armed attack by one State against another or the use of force in any other form, including military, political or economic pressure, is contrary to the Charter of the United Nations and constitutes a gross violation of international law giving rise to international responsibility:

2. Any forcible action, direct or indirect, against peoples struggling against colonialism for their right to freedom and self-determination, which hinders the exercise of their right to determine freely their political status and pursue their economic, social and cultural development is illegal and constitutes a flagrant violation of the Charter of the United Nations. Accordingly, the use of force to deprive peoples of their national identity, as prohibited by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, contained in General Assembly resolution 2131 (XX), constitutes a violation of their inalienable right to freedom;

II

Urgently appeals to all States Members of the United Nations:

1. To renounce and to refrain from any action contrary to the above-stated fundamental principles and to bring their policy into full harmony with the interests of international peace and security;

2. To exert every effort and to undertake all necessary measures with a view to lessening international tension, strengthening peace and promoting peaceful coexistence among States irrespective of their social systems.

DOCUMENT A/L.495

Costa Rica and United States of America: draft resolution

[Original text: English]
[15 November 1966]

The General Assembly,

Drawing the attention of all countries to their obligations under the Charter of the United Nations to 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 man-

ner inconsistent with the purposes of the United Nations, to settle their international disputes in such a manner that international peace and security, and justice, are not endangered, and to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Deeply concerned at the existence of dangerous situations in the world constituting a direct threat to universal peace and security due to the arbitrary use of force in international relations,

Concerned also at the continued use of force in violation both of the Charter and of other treaties in force, and at the deprivation of, or external interference with, the right of all peoples to self-determination and freedom,

Recalling the principles set forth in General Assembly resolution 1514 (XV), of 14 December 1960, that all peoples have the right to self-determination and that, by virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development, and that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter, and is an impediment to the promotion of world peace and co-operation,

Recalling also the principles set forth in General Assembly resolution 2131 (XX) of 21 December 1965 that all States shall respect the right of self-determination and independence of peoples and nations, to be freely exercised without any foreign pressure and with absolute respect for human rights and fundamental freedoms, that the use of force to deprive peoples of their national

identity constitutes a violation of their inalienable rights and of the principle of non-intervention, and that all States shall contribute to the complete elimination of racial discrimination and colonialism in all its forms and manifestations,

1. *Calls upon* all countries to facilitate the exercise of the right of self-determination by the peoples concerned and to refrain from employing armed force to deny or otherwise interfere with this right;

2. *Further calls upon* all countries to renounce any doctrines advocating the use of overt armed force, subversion or terrorism directed towards the violent overthrow of the Governments of other States, or interference in civil strife;

3. *Urgently appeals* to all countries:

(a) To renounce and to refrain from any action contrary to the above-stated fundamental principles;

(b) To exert every effort to lessen international tension, strengthen peace and promote friendly relations among nations irrespective of their social systems;

(c) To give fullest support to the principles of the Charter of the United Nations and to all organs of the United Nations so that the Organization will be better able to discharge the responsibility assigned to it by the Charter for the maintenance of international peace and security.

DOCUMENT A/L.497

Congo (Democratic Republic of): amendments to documents A/L.493 and Add.1

[Original text: French]
[16 November 1966]

1. In the second sentence of paragraph 1 of section I, replace the words "an armed attack" by the words "armed attack".
2. In the same sentence, replace the words "or the use of force in any other form" by the words, "the use of threat or coercion in any form,".
3. In the same sentence, insert the following after the words "economic pressure,": "in order to interfere with the exercise by a State of legitimate rights inherent in its sovereignty,".
4. Delete the second sentence of paragraph 2 of section I.

*

*

*

In view of amendments 1 to 3 above, the second sentence of paragraph 1 of section I would then read as follows:

"Accordingly, armed attack by one State against another, the use of threat or coercion in any form, including military, political or economic pressure, in order to interfere with the exercise by a State of legitimate rights inherent in its sovereignty, are contrary to the Charter of the United Nations and constitute a gross violation of international law giving rise to international responsibility."

DOCUMENT A/L.498

Canada, Chile, Denmark, Iceland, Italy, Japan, Madagascar and Norway: draft resolution

[Original text: English]
[16 November 1966]

The General Assembly,

Having considered the item entitled "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination",

Deeply concerned at the existence throughout the world of dangerous situations constituting a threat to

peace and security due to the arbitrary use of force in international relations,

Deeply concerned also at the fact that the principle of self-determination of dependent peoples, as embodied in the Charter of the United Nations, has not yet been fully implemented,

Taking into account the views expressed and the proposals made during the debate on the above-mentioned item,

Considering that it is imperative that the principles of the prohibition of the threat or use of force and of the self-determination of independent peoples be solemnly reaffirmed and elaborated by the United Nations at the earliest possible date in order to ensure full compliance by all States,

Considering that the above principles, together with the other five principles of friendly relations and co-operation among States, have been the object of a study in depth on the part of the 1964 and 1966 Special Committees on the Principles of International Law concerning Friendly Relations and Co-operation among States¹ on the basis of General Assembly resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963 and 2103 (XX) of 20 December 1965,

Considering that the sessions of both Special Committees have revealed, in spite of a number of differences, a certain area of general agreement on the essence of the said two principles,

¹ *Official Records of the General Assembly, Twentieth Session Annexes*, agenda items 90 and 94, document A/5746; *ibid.*, *Twenty-first Session, Annexes*, agenda item 87, document A/6230.

Considering that the report of the 1966 Special Committee is at present under discussion within the framework of 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",

Affirming the urgency of completing the legal study of the said two principles with a view to their codification and progressive development,

1. *Recommends* that the principles of the prohibition of the threat or use of force and of the self-determination of dependent peoples should receive priority in the further study and elaboration of the seven principles of international law concerning friendly relations and co-operation among States;

2. *Requests* the Secretary-General to include the records of the debate on the item entitled "Strict observance of the prohibition of the threat or use of force in international relations, and of the right of peoples to self-determination", together with the proposals and suggestions made during the debate, among the documentation to be considered in the further study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations, with a view to the early adoption of a declaration containing an enunciation of these principles.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1482nd plenary meeting, on 30 November 1966, the General Assembly by 98 votes to 2 with 8 abstentions, adopted the twenty-two-Power draft resolution (A/L.501 and Corr.1). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2160 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 92 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/L.501 and Corr.1	Algeria, Austria, Canada, Chile, Congo (Brazzaville), Costa Rica, Czechoslovakia, Denmark, Guinea, Iceland, India, Iraq, Madagascar, Mali, Mauritania, Norway, Poland, Singapore, Sudan, United Arab Republic, Yemen and Yugoslavia: draft resolution	See <i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 16</i> , resolution 2160 (XXI)



Agenda item 94:* Development of natural resources

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, Second Committee*, 1060th and 1062nd to 1065th meetings; *ibid.*, *Fifth Committee*, 1153rd meeting; and *ibid.*, *Plenary Meetings*, 1485th meeting.

DOCUMENT A/6460

Note by the Secretary-General

[Original text: English]
 [10 October 1966]

1. At its 1415th plenary meeting, on 24 September 1966, the General Assembly decided to include in the agenda of its twenty-first session a new item entitled "Development of natural resources", which had been referred to it by operative paragraph 3 of Economic and Social Council resolution 1127 (XLI).

2. At its fortieth session the Council had before it the Secretary-General's latest biennial review of the work of the United Nations in the field of non-agricultural resources (E/4132), prepared pursuant to Council resolution 877 (XXXIII). In addition to outlining the work programme for the year 1966-1967, the report also submitted proposals for a five-year survey programme of natural resources, designed as a major and practical contribution in this field to the second half of the United Nations Development Decade. The programme envisages nine global surveys of:

- (a) World iron ore resources;
- (b) Important non-ferrous metals;
- (c) Selected (abandoned or undeveloped) mines in developing countries;
- (d) Off-shore mineral potential in developing areas;
- (e) Water needs and water resources in potentially water-short developing countries;
- (f) The development potential of international rivers;
- (g) The potential geothermal energy resources in developing countries;

- (h) Oil shale resources;
- (i) The needs for small-scale power generating plants in developing countries.

3. The proposed surveys are designed to provide the underpinnings for one of the most significant fields in which the Organization serves the developing countries both through pre-investment surveys and through technical assistance. If projects both in individual geographical areas of developing countries or in individual countries are not to remain piecemeal operations—not related to one another and not forming part of an integrated approach to a systematic exploitation of the vast potential of the developing world—a coherent and comparable inventory of significant information must be made available in readily accessible form. Such an inventory would not only have the advantage of presenting available information, but would serve the additional and no less vital function of pointing out what gaps exist in the knowledge available about a number of non-agricultural natural resources. The nine proposed surveys would indicate, for each country, and for the world as a whole, what needs, in terms of specialists, equipment and financing, would have to be met over the next twenty years or so if optimum use is to be made of available resources.

4. In resolution 1113 (XL), the Economic and Social Council approved the direction and priorities of continuing activities indicated in the report and welcomed the initiative taken by the Secretary-General

in submitting proposals for the long-range programme. The Council recommended that the Secretary-General might consult specially qualified experts from the outside on the various proposed surveys and the priorities that should be assigned to them, and requested the Secretary-General to consult the Advisory Committee on the Application of Science and Technology to Development, at its fifth session, on the proposed programme. It also requested the Secretary-General to invite Governments to communicate their views and comments on the programme and the possibilities of financing it, including, as appropriate, an approach to Governments and organizations which are in a position to make available, at their expense, experts, consultants, and other resources. It further requested the Secretary-General to report to the forty-first session on the results of the above consultations, and decided to undertake, at that session, a general review for the purpose of defining the means and feasibility of implementing this programme.

5. At its forty-first session, the Council considered the Secretary-General's further report on the five-year survey programme for the development of natural re-

sources (E/4186). The report embodied the results of the Secretariat's consultation with a group of six experts which had been brought together during the period 12 to 15 April 1966, the conclusions of the Advisory Committee on the Application of Science and Technology to Development, which had been consulted at its fifth session, in March 1966, and the results of further analysis of the estimated costs of the programme.

6. The Council adopted resolution 1127 (XLI) on 26 July 1966.

[For the text of this resolution, see Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 1.]

7. Document E/4186/Add.1, issued on 24 August 1966, contains the replies received from Member States to the Secretary-General's invitation to Governments, pursuant to Council resolution 1113 (XL), to communicate their views and comments on the programme and the possibilities of financing it.

8. An account of the discussions in the Council at its fortieth and forty-first sessions will be found in chapter VII of its report to the Assembly (A/6303).

DOCUMENT A/C.5/1085

Financial implications of draft resolution I submitted by the Second Committee in document A/6533

Note by the Secretary-General

[Original text: English]
[15 November 1966]

1. In the draft resolution on the resources of the sea, adopted by the Second Committee on 9 November 1966 (A/6533, para. 20, draft resolution I), the Secretary-General—in co-operation with UNESCO, FAO, WMO and with other inter-governmental organizations concerned, and the Governments of interested Member States, and utilizing, *in er alia*, such voluntary services as may be offered—is requested to undertake, in addition to the survey requested by the Economic and Social Council in its resolution 1112 (XL), a comprehensive survey of activities in marine science and technology undertaken by members of the United Nations family of organizations, various Member States and intergovernmental organizations concerned, as well as universities, scientific and technological institutions and other interested organizations.

2. The Secretary-General is also invited, in the light of such a comprehensive survey, to formulate proposals for ensuring the most effective international arrangements for an expanded programme of international co-operation to assist in better understanding of the marine environment through marine science and the exploitation and development of marine resources, with due regard to the conservation of fish stocks, and initiating and strengthening marine education and training programmes.

3. To assist him in the preparation of the comprehensive survey and the formulation of the proposals referred to above, the Secretary-General is requested to set up a small group of experts selected, where possible, from the specialized agencies and intergovernmental organizations concerned.

4. The Secretary-General considers that the expert group might consist of 8 experts from different regions

of the world, including, *inter alia*, 1 marine geologist, 1 marine mining engineer, 1 fishing expert and 1 fish biologist. This group would meet at Headquarters twice in 1967 and once in 1968. At its first session, which is expected to last about a week, the group would advise the Secretary-General on the preparation of the comprehensive survey. Later in 1967, the group would meet for a period of two weeks to study the survey and start discussion on the proposals called for by the draft resolution. In 1968, the group would meet for one week to finalize the proposals.

5. It is anticipated that the meetings of the group would require no conference servicing, that the group would base its study on the documentation prepared by the Secretary-General and by the other bodies concerned, and that the final report on the proposals made by the group would be submitted in mimeographed form, together with the comments of the Advisory Committee on the Application of Science and Technology to Development, to the General Assembly at its twenty-third session through the Economic and Social Council. The estimated cost for three meetings of the group is as follows:

	1967	1968
	United States dollars	
Travel and subsistence of experts	17,800	8,300
Fee at \$50 per day	8,400	2,800
TOTAL	26,200	11,100

To the extent that the services of some of the experts would be made available by specialized agencies or intergovernmental organizations, actual expenditures might be reduced, inasmuch as payment of fees would be unnecessary.

6. As regards the discharge of his responsibilities in the preparation of the comprehensive survey and the formulation of the proposals requested in the draft resolution, the Secretary-General would not be able to absorb the extra workload involved within the existing levels of resources, and therefore considers that 2 professional (P-5 and P-3) and 1 general service post would be needed in 1967 and 1968 to carry out the programme of work. The cost of these additional posts would be \$37,000 in 1967 and \$48,800 in 1968.

SUMMARY

7. The financial implications of the draft resolution can, therefore, be summarized as follows:

	1967	1968
	United States dollars	
Salaries and common staff costs	37,000	48,800
Travel, subsistence and fee of experts . .	26,200	11,100
TOTAL	63,200	59,900

8. It would be the intention of the Secretary-General, should the General Assembly adopt the draft resolution, to request an additional appropriation for the financial year 1967 of \$63,200 under section 3 (Salaries and wages), chapter III (Other temporary staff), by means of a revised estimate, and, for the financial year 1968, to include an amount of \$59,900 in the appropriation requested under the same chapter of the budget estimates for 1968.

DOCUMENT A/6525

Financial implications of draft resolution I submitted by the Second Committee in document A/6533

Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[22 November 1966]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/C.5/1085), containing a statement on the financial implications of a draft resolution on the resources of the sea adopted by the Second Committee at its 1064th meeting, on 9 November 1966 (A/6533, para. 20, draft resolution I).

2. Under the terms of operative paragraphs 2 to 6 of the draft resolution, the Secretary-General—in cooperation with UNESCO, FAO, WMO, and with other intergovernmental organizations concerned, and the Governments of interested Member States, and utilizing, *inter alia*, such voluntary services as may be offered—is requested to undertake, in addition to the survey requested by the Economic and Social Council in its resolution 1112 (XL), a comprehensive survey of activities in marine science and technology undertaken by members of the United Nations family of organizations, various Member States and intergovernmental organizations concerned, as well as by universities, scientific and technological institutions and other interested organizations.

3. The Secretary-General is also invited, in the light of such a comprehensive survey, to formulate proposals for ensuring the most effective international arrangements for an expanded programme of international cooperation to assist in better understanding of the marine environment through marine science and the exploitation and development of marine resources, with due regard to the conservation of fish stocks, and initiating and strengthening marine education and training programmes. To assist him in the preparation of the comprehensive survey and the formulation of the proposals referred to above, the Secretary-General is requested to set up a small group of experts selected, where possible, from the specialized agencies and intergovernmental organizations concerned.

4. The Secretary-General indicates that the implementation of this particular decision would give rise to additional expenditures estimated at \$63,200 for 1967 and \$59,900 for 1968. These amounts include provision for the travel, subsistence and fees for 8 experts from

different regions of the world, to meet at Headquarters twice in 1967 for a total of three weeks, and once in 1968 for one week, at an estimated cost of \$26,200 for 1967 and \$11,100 for 1968. In addition, the Secretary-General advises that he would not be able to absorb the extra workload involved within the existing level of staff resources and that 2 professional (P-5 and P-3) posts and 1 general service post would be needed in both years, at an estimated cost of \$37,000 in 1967 and \$48,800 in 1968.

5. Following an examination of the Secretary-General's proposal, the Advisory Committee concluded that there were several imponderable elements involved, such as co-ordination with UNESCO, FAO, WMO and other specialized agencies active in the broad field of the study of the resources of the sea. It would seem to the Advisory Committee that the Secretary-General and the group of experts would wish first to survey the activities on marine resources being undertaken by all organizations and determine to what extent such material can be assimilated in the proposed study. Certainly, every effort should be made to avoid overlapping and duplication of effort between the expert group and the specialized agencies. It is therefore doubtful whether the group of experts could usefully meet twice in 1967. The Advisory Committee would also expect that most of the experts would be made available by the international organizations, thereby reducing the fees included for those experts. It also appears to the Advisory Committee that the initial workload connected with the survey could be undertaken within the present staff resources and that it would not necessarily require additional staff in 1967. In any event, the estimates must be considered as very provisional until such time as a more definitive programme of work is determined for the expert group.

6. In the light of these observations, the Advisory Committee is of the opinion that the total estimate of \$63,200 for 1967 is much too high. The larger portion of the estimate, \$37,000, provides for additional staff which, in the opinion of the Committee, has not been justified in the present proposal. Also, the amount in-

cluded for the travel, subsistence and fees for the 8 experts could be reduced considerably. The Advisory Committee was not in a position to determine precisely the amount of the residual additional expenditure, but is of the view that such a figure could be absorbed within the initial estimates for 1967 without undue difficulty.

7. The Advisory Committee therefore recommends that the Fifth Committee should take note of the Secretary-General's statement of the financial implications of

the draft resolution submitted by the Second Committee and inform the General Assembly that there is no need to increase the amounts under section 3, chapter III, of the initial budget estimates for 1967, as proposed by the Secretary-General in his note.

8. As regards any possible financial implications of the draft resolution in 1968, the Advisory Committee will, if necessary, return to this subject when it examines the Secretary-General's initial budget estimates for the financial year 1968.

DOCUMENT A/6533

Report of the Second Committee

[Original text: English]
[29 November 1966]

1. The General Assembly, at its 1415th plenary meeting, on 24 September 1966, allocated to the Second Committee agenda item 94 entitled "Development of natural resources".

2. The Committee considered this item at its 1060th and 1062nd-1065th meetings, held between 7 and 10 November 1966.

3. In considering this item, the Committee had before it a note by the Secretary-General (A/6460) and the pertinent part of the report of the Economic and Social Council to the General Assembly at its twenty-first session (A/6303, chap. VII; A/6303/Add.1, chap. IV).

4. The Committee also had before it two draft resolutions, the first on the exploitation of the resources of the sea (section I); and the second on the survey programme for the development of natural resources (section II).

I. RESOURCES OF THE SEA

5. The draft resolution on the resources of the sea, submitted by Chile, Colombia, Costa Rica, Denmark, Ecuador, Iceland, Nigeria, Norway, Pakistan, Panama, the Philippines, Peru, Trinidad and Tobago, the United Arab Republic and the United States of America (A/C.2/L.882 and Corr.1), read as follows:

"The General Assembly,

"Recognizing the need for a greater knowledge of the oceans which cover 71 per cent of the earth's surface and of the opportunities available for the utilization of their resources, living and mineral,

"Realizing that the effective exploitation and development of these resources can raise the economic level of peoples throughout the world, and in particular, of the developing countries,

"Taking into account activities in the field of resources of the sea presently being undertaken by the United Nations, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and other intergovernmental organizations concerned, various Governments, universities, scientific and technological institutions and interested private organizations,

"Considering the need to maximize international co-operative efforts for the further development of marine science and technology in order to avoid duplication or overlapping of efforts in this field,

"1. Endorses resolution 1112 (XL) adopted by the Economic and Social Council on 7 March 1966 requesting the Secretary-General to make a survey of the present state of knowledge of the resources of the sea other than fish;

"2. Requests the Secretary-General, in consultation with the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, other intergovernmental organizations concerned, and the Governments of interested Member States, and utilizing, inter alia, such voluntary services as may be offered, to undertake, in addition to the survey requested by the Economic and Social Council, a comprehensive survey of activities in marine science and technology undertaken by members of the United Nations family of organizations, various Member States and intergovernmental organizations concerned;

"3. Invites the Secretary-General, in the light of such comprehensive survey and with the assistance of a small group of experts, to formulate proposals for:

"(a) Ensuring the most effective international arrangements for an expanded programme of international co-operation to assist in better understanding of the marine environment through marine science and the exploitation and development of marine resources, with due regard to the preservation of fish stocks;

"(b) Initiating and strengthening marine education and training programmes, bearing in mind the close interrelationship between marine and other sciences;

"4. Requests that the survey and proposals prepared by the Secretary-General be submitted to the Advisory Committee on the Application of Science and Technology to Development for its comments;

"5. Requests the Secretary-General to submit his survey and proposals, together with the comments of the Advisory Committee, to the twenty-third session of the General Assembly, through the Economic and Social Council."

The representative of the United States, on behalf of the sponsors, introduced the draft resolution at the 1062nd meeting.

6. At the same meeting, the representative of Malta introduced amendments (A/C.2/L.888) to the draft resolution, proposing the following changes:

(a) In operative paragraph 1 the word "Endorses" would be replaced by the word "Notes";

(b) Operative paragraph 2 would be replaced by the following text:

"Requests the Economic and Social Council to evaluate the potential benefits of a survey of the present state of knowledge of the resources of the sea other than fish in the light of present and prospective resources of the United Nations system and of present and prospective activities in the field of natural resources of organizations within the United Nations system";

(c) Operative paragraph 3 would be deleted;

(d) Operative paragraph 4 would be replaced by the following text:

"Invites the Advisory Committee on the Application of Science and Technology to Development to appraise the potential benefits of the proposed survey and to transmit its comments thereon to the Economic and Social Council";

(e) Operative paragraph 5 would be deleted.

7. At the 1063rd meeting, the representative of the Union of Soviet Socialist Republics introduced amendments (A/C.2/L.889), proposing the following changes in the draft resolution:

(a) The following new paragraph would be inserted between the second and third paragraphs of the preamble:

"Recognizing with great satisfaction the important progress achieved in joint international action to explore the ocean and its resources, thanks to the successful activity of the Inter-governmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization";

(b) In the third paragraph of the preamble, the word "also" would be inserted after the words "Taking into account";

(c) Operative paragraphs 2, 3, 4 and 5 would be deleted and replaced by the following paragraphs:

"2. Requests the United Nations Educational, Scientific and Cultural Organization's Inter-governmental Oceanographic Commission, in consultation with the Food and Agriculture Organization of the United Nations, the World Meteorological Organization and other interested intergovernmental and national institutions, to survey the activities in the field of oceanographic science and technology being carried on by members of the United Nations family, various Member States and other interested international organizations with a view to:

(a) The formulation of proposals for ensuring the most effective international co-operation in the exploration and development of the resources of the sea;

(b) The establishment and expansion of educational programmes and programmes to train personnel for oceanographic science, bearing in mind the close interrelationship between oceanographic and other sciences;

"3. Further requests the United Nations Educational, Scientific and Cultural Organization's Inter-governmental Oceanographic Commission to submit its proposals through the United Nations Educational, Scientific and Cultural Organization and the Economic and Social Council to the United Nations General Assembly at its twenty-third session."

8. At the same meeting, the representative of Malta stated that he would not press his amendments (see para. 6 above) to the vote.

9. At the 1064th meeting, the sponsors, now joined by Jamaica, submitted a revised text of the draft resolution (A/C.2/L.882/Rev.1), which included the following changes:

(a) In the first paragraph of the preamble, the words "which cover 71 per cent of the earth's surface" were deleted;

(b) The third paragraph of the preamble was reworded as follows:

"Taking into account with appreciation the activities in the field of resources of the sea at present being undertaken by the United Nations, the United Nations Educational, Scientific and Cultural Organization and, in particular, its Inter-governmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the Advisory Committee on the Application of Science and Technology to Development, other intergovernmental organizations concerned, various Governments, universities, scientific and technological institutions and other interested organizations";

(c) In operative paragraph 1, the words "on 7 March 1966" were deleted, and the words "other than fish" were replaced by the words "beyond the continental shelf, excluding fish, and of the techniques for exploiting these resources";

(d) Operative paragraph 2 was reworded to read as follows:

"2. Requests the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and, in particular, its Inter-governmental Oceanographic Commission, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, other intergovernmental organizations concerned, and the Governments of interested Member States, and utilizing, *inter alia*, such voluntary services as may be offered—to undertake, in addition to the survey requested by the Economic and Social Council, a comprehensive survey of activities in marine science and technology, including that relating to mineral resources development, undertaken by members of the United Nations family of organizations, various Member States and intergovernmental organizations concerned, and by universities, scientific and technological institutions and other interested organizations";

(e) Operative paragraph 3 was reworded to read as follows:

"3. Requests the Secretary-General, in co-operation with the United Nations Educational, Scientific and Cultural Organization and, in particular, its Inter-governmental Oceanographic Commission and the Food and Agriculture Organization of the United Nations, and in the light of such a comprehensive survey to formulate proposals for:

(a) Ensuring the most effective arrangements for an expanded programme of international co-operation to assist in better understanding of the marine environment through science and the exploitation and development of marine resources, with due regard to the conservation of fish stocks;

"(b) Initiating and strengthening marine education and training programmes bearing in mind the close interrelationship between marine and other sciences";

(f) A new operative paragraph was inserted after operative paragraph 3 and the following paragraphs were renumbered. The new paragraph read as follows:

"4. Requests the Secretary-General to set up a small group of experts to assist him in the preparation of the comprehensive survey called for in paragraph 2 above and in the formulation of the proposals referred to in paragraph 3 above".

10. At the same meeting, the sponsors made the following additional oral change: in the revised draft resolution (A/C.2/L.882/Rev.1):

(a) In the third paragraph of the preamble and in operative paragraphs 2 and 3, the words "and, in particular, its Committee on Fisheries" were inserted after the words "the Food and Agriculture Organization of the United Nations";

(b) In the fourth paragraph of the preamble, the words "in order to avoid duplication" were changed to read "and to avoid duplication";

(c) In the new operative paragraph 4 (see para. 9 (f) above), the words "to be selected, as far as possible, from the specialized agencies and intergovernmental organizations concerned" were inserted after the words "a small group of experts".

11. The representative of the Union of Soviet Socialist Republics withdrew his amendments (see para. 7 above).

12. A statement by the Secretary-General on the financial implications of the draft resolution was circulated to the Committee in document A/C.2/L.890.

13. The Committee then voted on the draft resolution (A/C.2/L.882/Rev.1), as orally revised, as follows:

Operative paragraph 1, on which a separate vote had been requested by the Union of Soviet Socialist Republics, was retained by 39 votes to none, with 2 abstentions;

Operative paragraph 4, on which a separate vote had been requested by the Union of Soviet Socialist Republics, was retained by 74 votes to 10, with 13 abstentions;

The draft resolution, as a whole, as orally revised, was adopted by 87 votes to none, with 12 abstentions (see para. 20 below, draft resolution I).

II. DEVELOPMENT OF NATURAL RESOURCES

14. The draft resolution on the survey programme for the development of natural resources, submitted by Austria, Algeria, Chile, Colombia, Ecuador, India, Iran, Iraq, Jordan, Pakistan, Panama, the Philippines, Tunisia, Turkey and the United Arab Republic (A/C.2/L.883), read as follows:

"The General Assembly,

"Recalling Economic and Social Council resolutions 1113 (XL) of 7 March 1966 and 1127 (XLI) of 26 July 1966 regarding the development of natural resources,

"Expressing its appreciation of the initiative taken by the Secretary-General in submitting to the Economic and Social Council a five-year survey programme for the development of natural resources, comprising nine selected natural resources surveys, as outlined in his report dated 18 January 1966,

"1. Notes with satisfaction the progress made by the Advisory Committee on the Application of Science and Technology to Development, the group of experts consulted by the Secretary-General and the Economic and Social Council in the evolution of a long-term survey programme in the field of natural resources;

"2. Endorses the continuing study by the Economic and Social Council of the means of implementing a five-year survey programme for the development of natural resources, intended to strengthen the economic base and the economic independence of the developing countries."

The representative of Pakistan, on behalf of the sponsors, introduced the draft resolution at the 1060th meeting.

15. At the 1062nd meeting, the representative of Poland introduced an amendment (A/C.2/L.887), proposing the following changes in the draft resolution:

(a) In the second paragraph of the preamble, the word "nine" would be deleted;

(b) In operative paragraph 2, the words "in general" would be inserted after the word "Endorses";

(c) A new operative paragraph would be added after paragraph 2, to read as follows:

"Requests the Secretary-General to revise a five-year programme of natural resources surveys so as to include surveys on petroleum and natural gas and delete those of a lesser practical importance."

16. At the 1063rd meeting, the representative of Pakistan, on behalf of the sponsors, now joined by Syria, revised the draft resolution (A/C.2/L.883/Rev.1), by adding a new operative paragraph (paragraph 3), which read as follows:

"3. Invites the Secretary-General to study the technical and financial implications of carrying out surveys of petroleum and natural gas resources in the developing countries and to submit specific proposals on this subject to the Economic and Social Council".

17. The representative of Poland withdrew his amendments (see para. 15 above).

18. At the 1064th meeting, the representative of the Ukrainian Soviet Socialist Republic introduced an amendment (A/C.2/L.891), proposing that the following new operative paragraph be inserted after paragraph 1:

"2. Recommends that the Administrator of the United Nations Development Programme should prepare, for consideration by the Governing Council, proposals concerning participation by the United Nations Development Programme in carrying out the surveys referred to in document E/4132, taking into account the observations made in the Second Committee at the twenty-first session of the United Nations General Assembly."

19. At the same meeting, the Committee voted on the revised draft resolution (A/C.2/L.883/Rev.1) and the amendment thereto, as follows:

The amendment of the Ukrainian Soviet Socialist Republic (see para. 18 above) was rejected by 14 votes to 28, with 53 abstentions;

Operative paragraph 3, on which a separate vote had been requested by the United Kingdom of Great Britain and Northern Ireland, was adopted by 83 votes to none, with 7 abstentions;

The revised draft resolution, as a whole, was adopted unanimously (see para. 20 below, draft resolution II).

Recommendations of the Second Committee

20. The Second Committee recommends to the General Assembly the adoption of the following draft resolutions:

I

RESOURCES OF THE SEA

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

II

DEVELOPMENT OF NATURAL RESOURCES

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

DOCUMENT A/6534

Financial implications of draft resolution I submitted by the Second Committee in document A/6533 Report of the Fifth Committee

[Original text: English]
[29 November 1966]

1. At its 1153rd meeting, held on 23 November 1966, the Fifth Committee considered the financial implications of the draft resolution adopted by the Second Committee at its 1064th meeting, on 9 November 1966, concerning a survey and the formulation of proposals relating to the resources of the sea (A/6533, para. 20, draft resolution I). The Fifth Committee had before it a statement of financial implications submitted by the Secretary-General (A/C.5/1085) and a report by the Advisory Committee on Administrative and Budgetary Questions (A/6525). In that report the Advisory Committee expressed the view that with the co-operation of the specialized agencies concerned, the study in question could be undertaken at a cost considerably below the estimate presented by the Secretary-General and that, furthermore, the actual additional expenditures might be so marginal in nature that they could be absorbed without undue difficulty within the initial estimates for 1967.

2. One delegation drew attention to the fact that the proposed study might duplicate existing studies of a similar kind being undertaken by certain specialized

agencies. This delegation also referred to the views expressed by the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies on the need to restrict the number of new committees and groups and the volume of related documentation. Other delegations, on the other hand, expressed the fear that the adoption of the recommendations of the Advisory Committee might impede the implementation of the proposed study, and one representative expressed the view that, should the Secretary-General experience difficulty in proceeding with the study without additional appropriations, the Fifth Committee should consider sympathetically any request for supplementary appropriations in 1967 for these purposes.

3. The Fifth Committee noted the comments of the Advisory Committee and endorsed the views expressed in paragraphs 5 and 6 of its report on this question. Accordingly, the Fifth Committee would advise the General Assembly that, should it adopt the draft resolution submitted by the Second Committee, no additional financial provision would be required in 1967.

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1485th plenary meeting, on 6 December 1966, the General Assembly adopted draft resolutions I and II submitted by the Second Committee (A/6533, para. 20), draft resolution I being adopted by a vote of 100 to none, with 11 abstentions, and draft resolution II being adopted unanimously. For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolutions 2172 (XXI) and 2173 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 94 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6303	Report of the Economic and Social Council (1 August 1965-5 August 1966)	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 3</i>
A/6303/Add.1	Addendum to the Report of the Economic and Social Council (15-18 November 1966)	<i>Ibid., Supplement No. 3A</i>

Document No.	Title or description	Observations and references
A/6395	First report of the General Committee	<i>Ibid.</i> , Annexes, agenda item 8
A/C.2/L.882 and Corr.1	Chile, Colombia, Costa Rica, Denmark, Ecuador, Iceland, Nigeria, Norway, Pakistan, Panama, Philippines, Peru, Trinidad and Tobago, United Arab Republic and United States of America: draft resolution	See A/6533, para. 5
A/C.2/L.882/ Rev.1	Chile, Colombia, Costa Rica, Denmark, Ecuador, Iceland, Jamaica, Nigeria, Norway, Pakistan, Panama, Philippines, Peru, Trinidad and Tobago, United Arab Republic and United States of America: revised draft resolution	<i>Ibid.</i> , para. 9
A/C.2/L.883	Algeria, Austria, Chile, Colombia, Ecuador, India, Iran, Iraq, Jordan, Pakistan, Panama, Philippines, Tunisia, Turkey and United Arab Republic: draft resolution	<i>Ibid.</i> , para. 14
A/C.2/L.883/ Rev.1	Algeria, Austria, Chile, Colombia, Ecuador, India, Iran, Iraq, Jordan, Pakistan, Panama, Philippines, Tunisia, Turkey and United Arab Republic: revised draft resolution	<i>Ibid.</i> , para. 16
A/C.2/L.887	Poland: amendments to document A/C.2/L.883	<i>Ibid.</i> , para. 15
A/C.2/L.888	Malta: amendments to document A/C.2/L.882	<i>Ibid.</i> , para. 6
A/C.2/L.889	Union of Soviet Socialist Republics: amendments to document A/C.2/L.882	<i>Ibid.</i> , para. 7
A/C.2/L.890	Statement of financial implications of the draft resolution contained in document A/C.2/L.882: note by the Secretary-General	Mimeographed
A/C.2/L.891	Ukrainian Soviet Socialist Republic: amendment to document A/C.2/L.883/Rev.1	See A/6533, para. 18
A/C.2/L.893	Text of the draft resolution approved by the Second Committee at its 1064th meeting, on 9 November 1966	Mimeographed
A/C.2/L.903	Draft report of the Second Committee	Ditto
E/4132	Development of non-agricultural resources: report of the Secretary-General	See <i>Official Records of the Economic and Social Council, Fortieth Session, Annexes, agenda item 7</i>
E/4186	Five-year survey programme for natural resources development: further report of the Secretary-General	<i>Ibid.</i> , <i>Forty-first Session, Annexes, agenda item 11</i>
E/4186/Add.1	Five-year survey programme for natural resources development. Replies from Member States to the Secretary-General's <i>note verbale</i> of 29 April 1965: report of the Secretary-General	Mimeographed



Agenda item 95:* Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories

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DOCUMENT A/C.3/L.1343

Financial implications of the revised draft resolution contained in document A/C.3/L.1342/Rev.1

Note by the Secretary-General

[*Original text: English*]
[7 October 1966]

1. With reference to rule 154 of the rules of procedure of the General Assembly and to meet the intent of that rule, the Secretary-General wishes to advise the Committee that adoption of draft resolution A/C.3/L.1342/Rev.1 would give rise to financial implications as a result of any decision to establish a unit within the Secretariat to deal exclusively with the policies of apartheid.

2. While actual expenditures will of course depend on the scope of the responsibilities which will eventually be entrusted to the unit, the Secretary-General would suggest that, pending clarification on this point, the cost might be tentatively estimated at \$54,100.

3. This would provide for a nucleus staff comprising 2 Professional posts (1 Senior Officer (P-5) and 1 Second Officer (P-3)) and 1 General Service post; the related salary and common staff costs would amount to \$37,100 in the first year. In addition, it may well be necessary to have recourse to the services of consultants to carry out special studies for which a token provision of \$5,000 would be requested at this time. Similarly, an estimate of \$2,000 is made to cover any travel of staff required in connexion with these activities. The clause in the draft resolution whereby maximum publicity should be given to the evils of the policy of apartheid might entail the reproduction and distribution of a quantity of related material for which an initial provision of \$10,000 would be needed.

DOCUMENT A/C.5/1067

Financial implications of draft resolution A submitted by the Third Committee in document A/6483

Note by the Secretary-General

[Original text: English]
[18 October 1966]

1. At its 1388th meeting, on 10 October 1966, the Third Committee decided to recommend to the General Assembly the adoption of a draft resolution (A/6483, para. 59, draft resolution A.), in terms of which, *inter alia*, the Secretary-General would be requested "to establish a unit within the Secretariat of the United Nations to deal exclusively with the policies of apartheid, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, in order that maximum publicity may be given to the evils of those policies."

2. In his statement of the financial implications of this proposal, submitted to the Third Committee (A/C.3/L.1343) in compliance with rule 154 of the rules of procedure of the General Assembly, the Secretary-General stated that actual expenditures would depend on the scope of the responsibilities which would eventually be entrusted to the unit. Pending clarification on this point, he suggested that total commitments for this specific purpose might tentatively be estimated at

some \$54,000. This would cover the cost of a nucleus staff comprising 2 Professional posts and 1 General Service post, such consultants as may be required to carry out special studies, travel of staff, and the preparation, reproduction and distribution of information material.

3. As to the effect of such estimated expenditures on the level of appropriations currently requested for 1967, it is necessary to take into account the facilities and resources which would already be available for related purposes. Should actual requirements not exceed those tentatively anticipated in the preceding paragraphs, it is the Secretary-General's view at this time that no additional credits need be requested. Should the General Assembly adopt the draft resolution, the Secretary-General would make appropriate arrangements for complying with the Committee's request within the existing structure of the Secretariat and the level of the resources available to him in 1967.

DOCUMENT A/6483

Report of the Third Committee

[Original text: English/Spanish]
[22 October 1966]

I. INTRODUCTION

1. At its 1415th plenary meeting, on 24 September 1966, the General Assembly allocated to the Third Committee agenda item 95 entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". The Third Committee discussed this item at its 1378th to 1389th meetings, held on 30 September and 3 to 10 October 1966.

2. The item stemmed from a resolution adopted on 18 June 1965 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,¹ in which the Special Committee drew the attention of the Commission on Human Rights to the evidence submitted by certain petitioners as regards violations of human rights committed in territories under Portuguese administration and also in South West Africa and Southern Rhodesia.

3. At its fortieth session, the Economic and Social Council, by its resolution 1102 (XL), recalled, *inter alia*, General Assembly resolutions 2022 (XX) on the question of Southern Rhodesia and 2074 (XX) on the question of South West Africa and asked the Commission on Human Rights to consider, as a matter of

importance and urgency, the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and dependent countries, and to submit to the Council at its forty-first session its recommendations on measures to stop those violations.

4. At its twenty-second session, in resolution 2 (XXII) of 25 March 1966,² the Commission on Human Rights condemned violations of human rights and fundamental freedoms wherever they occur and supported the measures provided for in the Special Committee's resolution of 18 June 1965. It requested the Council to recommend to the General Assembly that it continue to encourage all eligible States to become parties as soon as possible to all conventions which aim to protect human rights and fundamental freedoms, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination, and that, for the purpose of the implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, all possible measures should be taken for the suppression of the policies of apartheid and segregation and the elimination of racial discrimination wherever it occurred, but particularly in colonial and other dependent countries and territories. In another part of the resolution, the Commission informed the Council that, in order to deal completely with the question of violations of human rights

¹ Official Records of the General Assembly, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chap. II, para. 463.

² Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 8, para. 222.

and fundamental freedoms in all countries, it would be necessary for the Commission to consider the means by which it might be more fully informed of violations of human rights, with a view to devising recommendations for measures to stop them, and decided to consider at its twenty-third session the question of its tasks and functions and its role in relation to violations of human rights in all countries, including appropriate assistance 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.

5. At its forty-first session, by resolution 1164 (XLI), the Economic and Social Council formally condemned violations of human rights and fundamental freedoms wherever they occur and endorsed the Commission's profound indignation at violations of human rights committed in colonial and other dependent countries and territories. It welcomed, *inter alia*, the Commission's decision to consider at its twenty-third session the question of the Commission's tasks and functions and its role in relation to violations of human rights in all countries. It also concurred in the Commission's view that it would be necessary for it fully to consider the means by which it might be more fully informed of violations of human rights, with a view to devising recommendations for measures to put a stop to those violations, and recommended a draft resolution for adoption by the General Assembly.

II. DRAFT RESOLUTION RECOMMENDED BY THE ECONOMIC AND SOCIAL COUNCIL

6. The draft resolution which the Economic and Social Council, by its resolution 1164 (XLI), recommended for adoption by the General Assembly read as follows:

The General Assembly,

Noting Economic and Social Council resolution 1164 (XLI) of 5 August 1966,

Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Convinced that efforts to protect and promote human rights throughout the world are still inadequate and that gross violations of the rights and freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries, particularly in colonies and dependent territories, with respect to discrimination on grounds of race, colour, sex, language and religion, and the suppression of freedom of expression and opinion, the right to life, liberty and security of person and the right to protection by independent and impartial judicial organs,

Recalling further the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Deeply concerned by the new evidence of persistent practices of racial discrimination and apartheid in the Republic of South Africa, the Trust Territory of South West Africa and the colonies of Southern Rhodesia, Angola, Mozambique and Portuguese Guinea, Cabinda, São Tomé and Príncipe, such practices constituting, according to its resolutions 2022 (XX) of 5 November 1965 and 2074 (XX) of 17 December 1965, crimes against humanity,

1. *Condemns* violations of human rights and fundamental freedoms wherever they occur;

2. *Calls* upon all Member States to strengthen their efforts to promote the full observance of human rights in accordance with the Charter, and to attain the standards established by the Universal Declaration of Human Rights;

3. *Urges* all Member States to take all possible measures for the suppression of the policies of apartheid and segregation and for the elimination of racial discrimination wherever it occurs, particularly in colonial and other dependent countries and territories;

4. *Encourages* all eligible States to become parties as soon as possible to all conventions which aim at protecting human rights and fundamental freedoms including, in particular, the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Urges* all States which have not yet done so to comply with the relevant General Assembly resolutions recommending the application of economic and diplomatic measures against the Republic of South Africa, as well as with the relevant Security Council resolutions calling upon all States to impose an arms embargo against the Republic of South Africa;

6. *Invites* Member States, intergovernmental organizations and non-governmental organizations to arrange for the celebration of Human Rights Day in 1966 bearing in mind the theme of protection of victims of violations of human rights and fundamental freedoms, particularly those in colonial and dependent countries and territories;

7. *Appeals* to public opinion and in particular to juridical associations as well as other appropriate organizations to render all possible assistance to victims of violations of human rights, in particular victims of policies of racial discrimination, segregation and apartheid;

8. *Invites* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

9. *Requests* 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 apprise the Commission on Human Rights of its discussions and decisions and of information coming to its attention relating to questions of human rights in colonial and dependent territories.

III. ISSUES DISCUSSED

7. Speakers who wished to amend or replace the draft resolution recommended to the General Assembly by the Economic and Social Council in resolution 1164 (XLI) expressed the view that the Council's text placed insufficient emphasis on the importance of combating policies of racial discrimination and segregation, particularly the policy of apartheid, and on the effective remedial measures which must urgently be taken. Moreover, they contended, the Council's proposal failed to take sufficiently into account the history of the item under discussion, beginning with the resolution adopted on 18 June 1965 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, which showed that the Third Committee should primarily concern itself, not so much with violations of human rights across the world, but with the evils which flowed from colonialism, for a denial of the right of peoples to self-determination, besides in itself constituting a gross violation of the United Nations Charter and of the Universal Declaration of Human Rights, precluded the enjoyment by the victims of other human rights. Proof of this contention could be seen in the Republic of South Africa, in South West Africa, in Southern Rhodesia and in the African territories under Portuguese administration.

8. By contrast, some representatives supporting the Council's recommendations felt that the alternative proposals submitted during the course of the debate tended to obscure the fact that violations of human rights occurring in independent countries deserved equal censure with those committed in colonial or dependent countries and territories. They stressed the importance of those provisions in the resolution which call for urgent consideration by United Nations organs of ways to stop all violations of human rights. Violations should be condemned wherever they occurred; and, even if apartheid could be specified as the most offensive form of racial discrimination, no single human right could be set above all other human rights. Nor was it proper, in the view of these speakers, to place apartheid and the colonial system on the same footing, since the former's moral and political motivations were wholly unrelated to the latter. The distinction between the two was indeed so great that assimilating one to the other might only hurt the interests of the peoples whom the United Nations strove to help.

9. It was recalled that General Assembly resolutions 2022 (XX) and 2074 (XX) termed such violations of human rights as the policies of apartheid and racial discrimination "crimes against humanity". This designation was not acceptable to certain speakers, who contended that the term in question had a specific and limited connotation, as enunciated in the Charter of the International Military Tribunal of Nürnberg. Others, however, not only urged endorsement of the General Assembly's extension of the term but also suggested that it be further widened to include colonialism itself.

10. Several representatives denounced the policies of certain States which, either openly or by subterfuge, offered material assistance to the Government of South Africa, as well as to Portugal and the illegal régime in Southern Rhodesia, by maintaining close commercial relations with those countries and by failing to discourage massive investment therein by their nationals. The Security Council's call for the cessation of the sale and shipment of military equipment to South Africa, contained in its resolution 182 (1963) of 4 December 1963, had proved ineffective because of the actions of certain States which placed self-interest before humanitarian considerations; and the General Assembly's appeals, in its resolutions 1761 (XVII) and 2054 A (XX), for Member States to discontinue commercial and diplomatic relations with South Africa had been even more openly disregarded.

11. As regards the measures which should be taken to stop the violations to which the General Assembly's attention had been drawn, a considerable number of the members of the Committee favoured the urgent imposition of mandatory economic and diplomatic sanctions, in conformity with Article 41 of the Charter, against the Governments and régimes responsible for the gravest acts of racial oppression in Southern Africa, the Governments of South Africa and Portugal, as well as the illegal régime in Southern Rhodesia. Such measures offered, in their opinion, the only possibility of removing the threat to the peace which the current situation posed. Mention was made, in this connexion, of the conclusions and recommendations of the Seminar on Apartheid, held at Brasilia from 23 August to 4 September 1966 (ST/TAO/HR/27, para. 138).

12. Other speakers nevertheless urged caution in recommending action which might lead to serious loss of life or needless suffering, and stated their preference for intensified efforts at education and persuasion. Certain representatives voiced the opinion that the policies of apartheid of the Government of South Africa were a matter essentially within that country's domestic jurisdiction. Some other speakers felt that the policies pursued in Africa by Portugal were not racially inspired in the same sense as those of South Africa or Southern Rhodesia.

13. The question arose whether an appeal for drastic political action could properly be made by the Third Committee. It was pointed out that the question of South West Africa was being debated by the General Assembly in plenary meeting (agenda item 65), while apartheid was an item which had been referred to the Special Political Committee (agenda item 34), which would consider it on the basis of the report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. The Third Committee, in the opinion of certain speakers, should confine itself to the humanitarian aspects of violations of human rights and leave the political aspects to the political committees of the General Assembly. Other representatives, however, contended that the Third Committee's competence, as one of the Main Committees of the General Assembly, could not be questioned; for although the problems under discussion were indeed humanitarian, their effective solution could only be brought about by political action.

14. Considerable emphasis was placed on the need to keep public opinion informed of the evils of apartheid through a special unit within the United Nations Secretariat, the establishment of which had been urged by most participants at the Brasilia Seminar. Some representatives, however, thought that the feasibility of establishing such a unit should first be studied, while others deplored the proliferation of new bodies within the Secretariat and felt that the effectiveness of the proposed unit would be greater if it were set up outside the Secretariat. The hope was voiced that the establishment of any such unit would not involve additional expenditure.

15. As regards the proposal sponsored by Guinea, Morocco, Poland, Saudi Arabia, Senegal and Uruguay (A/C.3/L.1339/Rev.1 and Rev.1/Add.1), the majority felt that it constituted an indispensable adjunct to any substantive text which might be approved. Others questioned the advisability of the Third Committee referring a question to the Security Council, pointing out, moreover, that the question of apartheid was already on the Council's agenda.

IV. AMENDMENTS TO THE DRAFT RESOLUTION OF THE ECONOMIC AND SOCIAL COUNCIL

16. Amendments to the draft resolution of the Economic and Social Council (see para. 6 above) were proposed by India, Nigeria and Pakistan (A/C.3/L.1335), and by the United States of America (A/C.3/L.1338).

17. The amendments submitted by India, Nigeria and Pakistan (A/C.3/L.1335) sought the following:

(a) In the fifth preambular paragraph, to replace the opening words "*Deeply concerned*" with the words "*Gravely disturbed*";

(b) To insert a new sixth preambular paragraph to read as follows:

"*Confirming* the United Nations fundamental interest in combating the policies of apartheid, and that as a matter of urgency, ways and means must be devised for its elimination,";

(c) In operative paragraph 1, to replace the opening word "*Condemns*" with the words "*Reaffirms* its condemnation of the";

(d) To insert a new operative paragraph 4 to read as follows:

"*Regrets* that certain major Powers still continue to strengthen the Government of the Republic of South Africa through intensive flow of investment and trade, and thus perpetuating and fortifying the maintenance of the policy of apartheid";

(e) To insert a new operative paragraph between the original paragraphs 5 and 6, to read as follows:

"*Regrets further* the lack of progress made regarding the situation in Southern Rhodesia and urges the administering Power of the colony of Southern Rhodesia to make every effort in its power without reservation to restore to the majority of the people of that country their basic human rights and fundamental freedoms";

(f) To insert three new operative paragraphs between the original operative paragraphs 7 and 8, to read as follows:

"*Requests* the Secretary-General to study and report to the twenty-second session of the General Assembly as a matter of urgency, on the feasibility of establishing an information centre within the Secretariat of the United Nations to deal exclusively with the policy of apartheid in order to give maximum publicity to the evils of that policy;

"*Urges* Member States to take all necessary measures, in line with their domestic laws, against the operation of propaganda organizations of the Government of South Africa and of private organizations which advocate apartheid and policies of discrimination and domination;

"*Appeals* to Member States to refrain from cultural and sports relationships with all Governments which practise and enforce policies of racial discrimination in violation of human rights and fundamental freedoms."

18. The amendments proposed by India, Nigeria and Pakistan (A/C.3/L.1335) were withdrawn at the 1388th meeting of the Committee after it had decided to vote first on the forty-Power draft resolution (A/C.3/L.1342/Rev.1) (see para. 33 below).

19. The amendment proposed by the United States of America (A/C.3/L.1338) called for the revision of operative paragraph 5 to read as follows:

"*Urges* all States which have not yet done so to comply with the Security Council resolutions calling upon all States to impose an arms embargo against the Republic of South Africa."

20. The amendment proposed by the United States of America was not put to the vote, since the Committee decided at its 1388th meeting to give priority in the voting to the revised forty-Power draft resolution (A/C.3/L.1342/Rev.1) and the adoption of that text rendered unnecessary any vote on the draft resolution proposed by the Economic and Social Council.

V. ALTERNATIVE DRAFT RESOLUTIONS

21. At the 1381st meeting, the Third Committee had before it a draft resolution proposed by Chile (A/C.3/L.1336) and a draft resolution proposed by the United Arab Republic and the United Republic of Tanzania (A/C.3/L.1337), each of these texts designed to replace the draft resolution recommended by the Economic and Social Council (see para. 6 above).

(a) Draft resolution submitted by Chile

22. The draft resolution proposed by Chile (A/C.3/L.1336) read as follows:

The General Assembly,

Taking note of resolution 1164 (XLI) of the Economic and Social Council,

Bearing in mind that, in accordance with Article 56 of the Charter of the United Nations, Member States are obliged to take joint and separate action, in co-operation with the Organization, for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Bearing in mind also General Assembly resolution 1514 (XV), which contains the Declaration on the Granting of Independence to Colonial Countries and Peoples, and General Assembly resolution 1904 (XX), which contains the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Noting with deep concern that grave violations of the rights and freedoms enunciated in the Universal Declaration of Human Rights continue to be committed in various countries, particularly in the oppressed colonies and territories, and that the odious policy of oppression, racial discrimination and apartheid persists in South Africa, South West Africa, Southern Rhodesia and the Territories under Portuguese domination,

Convinced that the repetition of these grave violations of human rights and fundamental freedoms makes it necessary for the United Nations and its Member States to exert additional and greater efforts to impose respect for these rights and freedoms and to make them effective,

1. *Condemns* as crimes against humanity and as an offence to civilization the violation, wherever it occurs, of any of the rights and freedoms set forth in the Universal Declaration of Human Rights;

2. *Singles out* as particularly deserving of this condemnation the systematic policy of oppression, racial discrimination and apartheid which is being practised in South Africa, South West Africa, Southern Rhodesia, and in the African and Asian Territories under Portuguese domination;

3. *Urges* Member States to do their utmost to ensure that, in conformity with the provisions of the Charter, the rights and freedoms set forth in the Universal Declaration of Human Rights are fully respected and to suppress the policies of oppression, racial discrimination and apartheid wherever they exist and particularly in the subject colonies and territories; and for this purpose invites them immediately:

(a) To adhere without delay to all conventions designed to protect these rights and freedoms, including the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) To adopt the necessary legislative measures to improve the protection of these rights and freedoms at the domestic level;

(c) To promote the adoption of regional conventions for the protection of such rights and freedoms;

4. *Exhorts* Member States which have not yet done so to comply with the General Assembly resolutions recommending the application of economic and diplomatic measures against the Republic of South Africa, and also with the Security Council resolutions inviting all States to impose an arms embargo against the Republic of South Africa;

5. *Invites* all States, whether or not they are Members of the United Nations, governmental organizations and non-governmental organizations of the entire world, and world public opinion:

(a) To give all possible assistance to the victims of violations of human rights and fundamental freedoms and in particular to the victims of the policies of oppression, racial discrimination and apartheid imposed in colonial and subject territories;

(b) To undertake a world campaign, which should begin on the next Human Rights Day, to reinforce and extend throughout the world the condemnation of these violations;

6. *Requests* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to and to propose to the United Nations new possibilities of action to put an end once and for all to violations of human rights and fundamental freedoms wherever they occur.

23. The draft resolution proposed by Chile (A/C.3/L.1336) was withdrawn at the 1386th meeting, in favour of draft resolution A/C.3/L.1342.

(b) *Draft resolution submitted by the United Arab Republic and the United Republic of Tanzania*

24. The draft resolution proposed by the United Arab Republic and the United Republic of Tanzania (A/C.3/L.1337) read as follows:

The General Assembly,

Noting Economic and Social Council resolution 1164 (XLI) of 5 August 1966,

Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Convinced that efforts to protect and promote human rights throughout the world are still inadequate,

Convinced further that gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries, especially in colonies and dependent territories, involving discrimination on grounds of race, colour, sex, language and religion, and the suppression of freedom of expression and opinion, the right to life, liberty and security of person and the right to protection by independent and impartial judicial organs,

Recalling further the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Deeply concerned by the new evidence of persistent practices of racial discrimination and apartheid in the Republic of South Africa, the Trust Territory of South West Africa and the colonies of Southern Rhodesia, Angola, Mozambique and Portuguese Guinea, Cabinda, São Tomé and Príncipe, such practices constituting, according to its resolutions 2022 (XX) of 5 November 1965 and 2074 (XX) of 17 December 1965, crimes against humanity,

Endorses fully the conclusions and recommendations of the Seminar on Apartheid (ST/TAO/HR/27, para. 138) held at Brasilia in 1966,

1. *Reaffirms* its strong condemnation of the violations of human rights and fundamental freedoms in all colonial and dependent territories, including the policies of apartheid in the Republic of South Africa, the Trust Territory of South West Africa, and the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe;

2. *Calls upon* all States to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights;

3. *Urges* all States to take all measures for the suppression of the policies of apartheid and segregation and for the elimination of racial discrimination wherever it occurs, especially in colonial and other dependent countries and territories;

4. *Urges further* all States to comply with the relevant General Assembly resolutions recommending the application of economic and diplomatic sanctions against the Republic of South Africa, as well as with the relevant Security Council resolutions calling upon all States to impose an arms embargo against the Republic of South Africa;

5. *Condemns* the policy of colonial Powers to circumvent the rights of colonial peoples through the promotion of the systematic influx of foreign immigrants and the dislocation, deportation and transfer of the indigenous inhabitants;

6. *Deplures* the actions of those States which through political, trading, economic and military collaboration with the Governments of South Africa, Portugal and the illegal régime in Southern Rhodesia, are encouraging them to persist in their racial policies;

7. *Appeals* to all States, to public opinion and in particular to juridical associations as well as other appropriate organizations to render all possible assistance to colonial people, victims of violations of human rights and fundamental freedoms; in particular victims of racial discrimination, segregation and apartheid;

8. *Invites* all States to become parties as soon as possible to all conventions which are aimed at protecting human rights and fundamental freedoms including, in particular, the International Convention on the Elimination of All Forms of Racial Discrimination;

9. *Invites further States* and intergovernmental organizations to arrange for the celebration of Human Rights Day in 1966 bearing in mind the theme of protection of victims of violations of human rights and fundamental freedoms, especially those in colonial and dependent countries and territories;

10. *Invites* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

11. *Requests* 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 apprise the Commission on Human Rights of its discussions and decisions and of information coming to its attention relating to questions of human rights in colonial and dependent territories;

12. *Draws the attention* of the Security Council to the fact that the question of the violations of human rights and fundamental freedoms, including the policies of racial discrimination and segregation and apartheid especially in colonial and other dependent countries and territories, constitutes a threat to international peace and security;

13. *Requests* the Secretary-General to take appropriate measures for the implementation of the present resolution and to report thereon to the General Assembly at its twenty-second session;

14. *Decides* to place this item on the provisional agenda of its twenty-second session;

15. *Decides* to refer the entire matter of the violation of human rights and fundamental freedoms including the policies of racial discrimination and segregation and apartheid in South Africa, the Trust Territory of South West Africa and the British colony of Southern Rhodesia and other dependent territories, to the Security Council for its action under Chapter VII of the United Nations Charter; in particular the adoption of a resolution calling for complete economic sanctions under Article 41 of the Charter.

16. *Decides* to transmit resolution 2 (XXII) of the Commission on Human Rights as well as the present resolution 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.

25. The draft resolution proposed by the United Arab Republic and the United Republic of Tanzania (A/C.3/L.1337) was withdrawn at the 1388th meeting when priority in the voting was given to the forty-power draft resolution (A/C.3/L.1342/Rev.1) and that text was adopted.

(c) *Draft resolution submitted by sixty-one Member States*

26. At the 1382nd meeting, a draft resolution (A/C.3/L.1340) was submitted by the following sixty-one Member States: Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Gambia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldivian Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen and Zambia. The sixty-one Power draft resolution read as follows:

The General Assembly,

Noting Economic and Social Council resolution 1164 (XLI) of 5 August 1966,

Confirming that the United Nations has a fundamental interest in combating policies of apartheid and that, as a matter of urgency, ways and means must be devised for their elimination,

Recalling the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Convinced further that gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries, especially in colonies and dependent territories, involving discrimination on grounds of race, colour, sex, language and religion, and the suppression of freedom of expression and opinion, the right to life, liberty and security of person and the right to protection by independent and impartial judicial organs, and that these violations are designed to stifle the legitimate struggle of the people for independence and human dignity,

Recalling further the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Deeply concerned by the evidence of persistent practices of apartheid in the Republic of South Africa and South West Africa and the racial discrimination practised in the colonies of Southern Rhodesia, Angola, Mozambique, so-called Portuguese Guinea, Cabinda, São Tomé and Príncipe, brought to its attention 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 and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, such practices constituting, according to General Assembly resolutions 2022 (XX) of 5 November 1965 and 2074 of 17 December 1965, crimes against humanity,

Endorsing the conclusions and recommendations of the Seminar on Apartheid (ST/TAO/HR/27, para. 138) held at Brasilia in 1966,

1. *Reaffirms* its strong condemnation of the violations of human rights and fundamental freedoms in all colonial and dependent territories, including the policies of apartheid in the

Republic of South Africa, the Trust Territory of South West Africa, and the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe;

2. *Condemns* as crimes against humanity and as an offence to civilization the violation, wherever it occurs, of any of the rights and freedoms set forth in the Universal Declaration of Human Rights;

3. *Regrets* the policy of colonial Powers in order to circumvent the rights of colonial peoples through the promotion of the systematic influx of foreign immigrants, and the dislocation, dispossession, deportation and eviction of the indigenous inhabitants;

4. *Further regrets* the actions of those States which, through political, trading, economic and military collaboration with the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia, are encouraging them to persist in their racial policies;

5. *Calls upon* all States to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations, and to attain the standards established by the Universal Declaration of Human Rights;

6. *Urges* all States to take effective measures, in accordance with the provisions of the Charter, the General Assembly and the Security Council resolutions, for the suppression of the policies of apartheid and segregation and for the elimination of racial discrimination, wherever it occurs, especially in colonial and other dependent countries and territories;

7. *Appeals* to all States, governmental and non-governmental organizations, and individuals to support the United Nations Trust Fund for South Africa and voluntary organizations engaged in providing relief and assistance to victims of colonialism and apartheid; and to encourage judicial associations and other appropriate organizations, and the public in general, to provide such relief and assistance;

8. *Urges* Member States to take all necessary measures, in accordance with their domestic laws, against the operation of propaganda organizations of the Government of South Africa and of private organizations which advocate apartheid and policies of racial discrimination and domination;

9. *Invites* all States to become parties as soon as possible to all conventions which aim at protecting human rights and fundamental freedoms, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

10. *Requests* the Secretary-General in consultation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights, to take appropriate measures for the implementation of the present resolution and to report thereon to the General Assembly at its twenty-second session;

11. *Decides* in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to establish a unit within the Secretariat of the United Nations to deal exclusively with the policies of apartheid in order to give maximum publicity to the evils of those policies;

12. *Further decides* to place this item on the provisional agenda of its twenty-second session."

(d) *Draft resolution submitted by forty Member States*

27. At the 1386th meeting, in the light of the debate and after consultation between the sponsors of the sixty-one-Power draft resolution (A/C.3/L.1340) and other delegations, Ghana, Guinea, India, Iran, Iraq, the Ivory Coast, Liberia, Nigeria, Pakistan, the United Arab Republic and the United Republic of Tanzania presented a new draft resolution (A/C.3/L.1342) which read as follows:

The General Assembly,

Noting Economic and Social Council resolution 1164 (XLI) of 5 August 1966,

Confirming that the United Nations has a fundamental interest in combating policies of apartheid and that, as a matter of urgency, ways and means must be devised for their elimination,

Bearing in mind the obligation of all Member States under Article 56 of the Charter of the United Nations to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55, which include the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Convinced further that gross violations of the rights and fundamental freedoms set forth in the Universal Declaration of Human Rights continue to occur in certain countries, especially in colonies and dependent territories, involving discrimination on grounds of race, colour, sex, language and religion, and the suppression of freedom of expression and opinion, the right to life, liberty and security of person and the right to protection by independent and impartial judicial organs, and that these violations are designed to stifle the legitimate struggle of the people for independence and human dignity,

Recalling further the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination,

Deeply concerned by the evidence of persistent practices of apartheid in the Republic of South Africa and South West Africa and the racial discrimination practised in the colonies of Southern Rhodesia, Angola, Mozambique, so-called Portuguese Guinea, Cabinda, São Tomé and Príncipe, brought to its attention 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 and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, such practices constituting, according to General Assembly resolutions 2022 (XX) of 5 November 1965 and 2074 (XX) of 17 December 1965, crimes against humanity,

Taking note of the conclusions and recommendations of the Seminar on Apartheid (ST/TAO/HR/27, para. 138), organized under the programme of advisory services in the field of human rights and held at Brasília in 1966,

1. *Reaffirms* its strong condemnation of the violations of human rights and fundamental freedoms wherever they occur, especially in all colonial and dependent territories, including the policies of apartheid in the Republic of South Africa and the Territory of South West Africa and racial discrimination in the colonies of Southern Rhodesia, Angola, Mozambique, Portuguese Guinea, Cabinda, São Tomé and Príncipe;

2. *Regrets* the policy of colonial Powers in order to circumvent the rights of peoples under their rule through the promotion of the systematic influx of foreign immigrants, and the dislocation, dispossession, deportation and eviction of the indigenous inhabitants;

3. *Further regrets* the actions of those States which, through political, trading, economic and military collaboration with the Governments of South Africa and Portugal and the illegal régime in Southern Rhodesia, are encouraging them to persist in their racial policies;

4. *Urges* all States which have not yet done so to comply with the relevant General Assembly resolutions recommending the application of economic and diplomatic measures against South Africa and with the relevant Security Council resolutions calling upon all States to impose an arms embargo against South Africa;

5. *Calls upon* all States to strengthen their efforts to promote the full observance of human rights and the right to self-determination in accordance with the Charter of the United Nations and to attain the standards established by the Universal Declaration of Human Rights;

6. *Urges* all States to take effective measures, in accordance with the provisions of the Charter, the General Assembly resolutions pertaining to human rights, and the relevant Security Council resolutions, for the suppression of the policies

of apartheid and segregation and for the elimination of racial discrimination, wherever it occurs, especially in colonial and other dependent countries and territories;

7. *Appeals* to all States, governmental and non-governmental organizations, and individuals:

(a) To support the United Nations Trust Fund for South Africa and voluntary organizations engaged in providing relief and assistance to victims of colonialism and apartheid;

(b) To encourage judicial associations and other appropriate organizations, and the public in general, to provide such relief and assistance;

8. *Urges* Member States to take all necessary measures, in accordance with their domestic laws, against the operation of propaganda organizations of the Government of South Africa and of private organizations which advocate apartheid and policies of racial discrimination and domination;

9. *Invites* States to become parties as soon as possible to all conventions which aim at protecting human rights and fundamental freedoms, including in particular the International Convention on the Elimination of All Forms of Racial Discrimination;

10. *Requests* the Secretary-General in consultation with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights, to take appropriate measures for the implementation of the present resolution and to report thereon to the General Assembly at its twenty-second session;

11. *Invites* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

12. *Decides* in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to establish a unit within the Secretariat of the United Nations to deal exclusively with the policies of apartheid in order to give maximum publicity to the evils of that policy;

13. *Further decides* to place this item on the provisional agenda of its twenty-second session.

28. The eleven-Power draft resolution (A/C.3/L.1342) was ultimately sponsored by the following forty Member States: Afghanistan, Algeria, Burundi, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Liberia, Libya, Malaysia, Mali, Morocco, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania and Zambia.

29. At the 1387th meeting, the forty-Power draft resolution (A/C.3/L.1342) was presented in a revised form, whereby in the fourth and fifth preambular paragraphs the word "further" had been deleted, in the sixth preambular paragraph, the word "so-called" had been deleted and beginning with operative paragraph 10, the text of the revised draft resolution (A/C.3/L.1342/Rev.1) had been reworded and rearranged to read as follows:

10. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Commission on Human Rights to take appropriate measures for the implementation of the present resolution as it affects the responsibilities of these organs;

11. *Requests* the Secretary-General to assist in the implementation of the present resolution and to report to the General Assembly at its twenty-second session;

12. *Invites* the Economic and Social Council and the Commission on Human Rights to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they may occur;

13. *Requests* the Secretary-General to establish a unit within the Secretariat of the United Nations to deal exclusively with policies of apartheid in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, in order that maximum publicity may be given to the evils of those policies;

14. *Further decides* to place this item on the provisional agenda of its twenty-second session.

30. The revised forty-Power draft resolution (A/C.3/L.1342/Rev.1) was the substantive text finally voted on and adopted by the Third Committee at its 1388th meeting (see paras. 33-51 below). A statement of the financial implications of the revised draft resolution was submitted by the Secretary-General (A/C.3/L.1343) (see p. 1 above) in compliance with rule 154 of the rules of procedure of the General Assembly.

VI. SIX-POWER DRAFT RESOLUTION

31. At the 1382nd meeting, Poland and Saudi Arabia jointly submitted a draft resolution (A/C.3/L.1339) containing an appeal to the Security Council and requesting the Secretary-General to provide the Council with all the General Assembly resolutions relating to the question of apartheid. As later revised in the light of the discussion and sponsored jointly by Guinea, Morocco, Poland, Saudi Arabia, Senegal and Uruguay, this draft resolution (A/C.3/L.1339/Rev.1 and Rev.1/Add.1) read as follows:

The General Assembly,

Taking note of Economic and Social Council resolution 1164 (XLI) of 5 August 1966,

Having adopted resolution [A above],

Bearing in mind the various recommendations embodied in the report of the Seminar on Apartheid (ST/TAO/HR/27), organized under the programme of advisory services in the field of human rights,

Noting that all the General Assembly recommendations on apartheid have so far been ignored by the Government of South Africa and the authorities in Southern Rhodesia,

Convinced more than ever that apartheid in South Africa constitutes a menace to international peace and security,

1. *Appeals* to the Security Council urgently to take effective measures with a view to eradicating apartheid in South Africa and other adjacent territories;

2. *Requests* the Secretary-General to provide the Security Council with all the resolutions adopted by the General Assembly on the question of apartheid, at the present session and at previous sessions, together with all the reports available on this item.

32. The six-Power draft resolution was also voted on and adopted at the 1388th meeting (see paras. 52-58 below).

VII. VOTING

(a) *Draft resolution submitted by forty Member States*

33. At the 1388th meeting, on the motion of the representative of Pakistan, the Committee decided, by 63 votes to 11, with 18 abstentions, that the forty-Power draft resolution (A/C.3/L.1342/Rev.1) should be given priority in the voting.

34. The preamble was adopted by 93 votes to 2, with 4 abstentions.

35. At the request of the representative of New Zealand, the word "all" in operative paragraph 1 was put to the vote separately. The Committee decided to retain the word by 62 votes to 17, with 17 abstentions.

36. At the request of the representative of the United Republic of Tanzania, a separate roll-call vote was taken on operative paragraphs 3, 4, 8 and 13. At the request of the representative of Belgium, a separate roll-call vote was taken on all the other operative paragraphs except operative paragraph 14.

37. Operative paragraph 1 was adopted by 95 votes to 4, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Australia, New Zealand, Portugal, South Africa.

Abstaining: Brazil, France, Spain, United Kingdom of Great Britain and Northern Ireland.

38. Operative paragraph 2 was adopted by 94 votes to 2, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Canada, France, Italy, New Zealand, Panama, United Kingdom of Great Britain and Northern Ireland, United States of America.

39. Operative paragraph 3 was adopted by 70 votes to 2, with 34 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

40. Operative paragraph 4 was adopted by 84 votes to 2, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

41. Operative paragraph 5 was adopted by 103 votes to none, with 3 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia,

Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland.

42. Operative paragraph 6 was adopted by 97 votes to 2, with 7 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Canada, France, Italy, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

43. Operative paragraph 7 was adopted by 100 votes to 2, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic,

United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Albania, Belgium, France, United Kingdom of Great Britain and Northern Ireland.

44. Operative paragraph 8 was adopted by 98 votes to 2, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: France, Greece, New Zealand, United Kingdom of Great Britain and Northern Ireland, United States of America.

45. Operative paragraph 9 was adopted by 101 votes to none, with 5 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: France, Malawi, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland.

46. Operative paragraph 10 was adopted by 96 votes to 2, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad,

Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Belgium, France, Luxembourg, Netherlands, New Zealand, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

47. Operative paragraph 11 was adopted by 97 votes to 1, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: South Africa.

Abstaining: Belgium, France, Luxembourg, Netherlands, New Zealand, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

48. Operative paragraph 12 was adopted by 100 votes to none, with 4 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands,

New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Sweden, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: France, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland.

49. Operative paragraph 13 was adopted by 79 votes to 2, with 25 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Argentina, Australia, Austria, Belgium, Bolivia, Canada, Colombia, Denmark, Finland, France, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, Peru, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

50. Operative paragraph 14 was adopted by 104 votes to 1, with 3 abstentions.

51. The forty-Power draft resolution (A/C.3/L.1342/Rev.1) as a whole was adopted by 86 votes to 2, with 18 abstentions (see para. 59 below, draft resolution A). At the request of the representative of Saudi Arabia the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

(b) *Draft resolution submitted by six Member States*

52. At the 1388th meeting, the Third Committee also voted on the draft resolution proposed by Guinea, Morocco, Poland, Saudi Arabia, Senegal and Uruguay (A/C.3/L.1339/Rev.1 and Rev.1/Add.1).

53. The first four preambular paragraphs were adopted by 89 votes to 2, with 7 abstentions.

54. At the request of the representative of the United Republic of Tanzania, a separate roll-call vote was taken on the last preambular paragraph and on each of the operative paragraphs.

55. The last preambular paragraph was adopted by 66 votes to 2, with 33 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Greece, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Panama, Spain, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

56. Operative paragraph 1 was adopted by 78 votes to 2, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Brazil, Canada, Colombia, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

57. Operative paragraph 2 was adopted by 88 votes to 2, with 11 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Denmark, Finland, France, Iceland, Italy, New Zealand, Norway, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland.

58. The six-Power draft resolution (A/C.3/L.1339/Rev.1 and Rev.1/Add.1) as a whole was adopted by 78 votes to 2, with 20 abstentions (see para. 59 below, draft resolution B). At the request of the representative of Cuba, the vote was taken by roll-call. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, United States of America, Upper Volta, Venezuela, Yugoslavia, Zambia.

ville), Congo (Democratic Republic of), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Liberia, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sudan, Syria, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Canada, Colombia, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

Recommendations of the Third Committee

59. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

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.]

DOCUMENT A/6485

Financial implications of draft resolution A submitted by the Third Committee in document A/6483

Report of the Fifth Committee

[Original text: English]
[24 October 1966]

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee, at its 1131st meeting, on 24 October 1966, considered the financial implications of a draft resolution submitted by the Third Committee (A/6483, para. 59, draft resolution A).

2. The Fifth Committee had before it a note by the Secretary-General (A/C.5/1067) and heard a statement by the Chairman of the Advisory Committee on Administrative and Budgetary Questions.

3. The representative of South Africa expressed his Government's reservations regarding the proposed unit on apartheid.

Decision of the Fifth Committee

4. The Fifth Committee decided to inform the General Assembly as follows:
"The Fifth Committee has considered the Secretary-General's statement on financial implications relating to draft resolution A submitted by the Third

Committee (A/6483, para. 59) and has heard a report thereon by the Chairman of the Advisory Committee on Administrative and Budgetary Questions. In the light of the Secretary-General's stated view that at this time no additional credits will be necessary for the implementation of the proposal, the Fifth Committee informs the General Assembly that the proposal in question would have no effect on the budget estimates for 1967."

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1452nd plenary meeting, on 26 October 1966, the General Assembly adopted draft resolutions A and B submitted by the Third Committee (A/6483, para. 59), draft resolution A by a vote of 85 to 2, with 17 abstentions, draft resolution B by a vote of 83 to 1, with 20 abstentions. For the final texts see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2144 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 95 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/5959	Letter dated 30 August 1965 from the Deputy Permanent Representative of Spain to the United Nations addressed to the Secretary-General	<i>Official Records of the General Assembly, Twentieth Session, Annexes</i> , agenda item 23
A/6303	Report of the Economic and Social Council (1 August 1965—5 August 1966)	<i>Ibid.</i> , <i>Twenty-first Session, Supplement No. 3</i>
A/6412	Note by the Secretary-General transmitting the report of the Seminar on Apartheid held at Brasilia, Brazil, from 23 August to 4 September 1966	Mimeographed; for the text of the report see ST/TAO/HR/27
A/6442	Note by the Secretary-General	Mimeographed
A/C.3/L.1335	India, Nigeria and Pakistan: amendments to the draft resolution recommended by the Economic and Social Council in its resolution 1164 (XLI)	See A/6483, para. 17
A/C.3/L.1336	Chile: draft resolution	<i>Ibid.</i> , para. 22
A/C.3/L.1337	United Arab Republic and United Republic of Tanzania: draft resolution	<i>Ibid.</i> , para. 24
A/C.3/L.1338	United States of America: amendment to the draft resolution recommended by the Economic and Social Council in its resolution 1164 (XLI)	<i>Ibid.</i> , para. 19
A/C.3/L.1339	Poland and Saudi Arabia: draft resolution	Replaced by A/C.3/L.1339/Rev.1
A/C.3/L.1339/ Rev.1 and Rev.1/Add.1	Guinea, Morocco, Poland, Saudi Arabia, Senegal and Uruguay: revised draft resolution	See A/6483, para. 31
A/C.3/L.1340	Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Gambia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen and Zambia: draft resolution	<i>Ibid.</i> , para. 26
A/C.3/L.1342	Ghana, Guinea, India, Iran, Iraq, Ivory Coast, Liberia, Nigeria, Pakistan, United Arab Republic and United Republic of Tanzania: draft resolution	<i>Ibid.</i> , para. 27
A/C.3/L.1342/ Rev.1	Afghanistan, Algeria, Burundi, Central African Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Liberia, Libya, Malaysia, Mali, Morocco, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sudan, Syria, Thailand, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania and Zambia: revised draft resolution	<i>Ibid.</i> , para. 29
A/C.3/L.1344	Text of resolutions adopted by the Third Committee at its 1388th meeting	See <i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 16</i> , resolution 2144 (XXI)

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/L.483 and Add.1-3	Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cyprus, Dahomey, Ethiopia, Gabon, Gambia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Laos, Lebanon, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syria, Thailand, Togo, Turkey, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen and Zambia: draft resolution	<i>Official Records of the General Assembly, Twenty-first Session, Annexes, agenda item 65</i>
ST/TAO/HR/27	Report of the Seminar on Apartheid held at Brasilia, Brazil, from 23 August to 4 September 1966	Lithographed



Agenda item 96:* Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, First Committee*, 1473rd to 1483rd meetings; and *ibid.*, *Plenary Meetings*, 1498th and 1499th meetings.

DOCUMENT A/6397

Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the twenty-first session

[Original text: Russian]
[23 September 1966]

LETTER DATED 23 SEPTEMBER 1966 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

On the instructions of the Government of the Union of Soviet Socialist Republics, I request the inclusion in the agenda of the twenty-first session of the General Assembly, as an important and urgent question, of an item entitled "Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty".

The recent intensification of the intervention by imperialist forces in the domestic affairs of States and peoples has brought to the forefront of international life the problem of preventing intervention in the domestic affairs of States and the protection of their independence and sovereignty.

In these circumstances, the adoption by the General Assembly at its twentieth session of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty was an important measure

taken by the United Nations in support of the peoples of Asia, Africa and Latin America, which hold that the most important task confronting them is to strengthen their independence. This Declaration, which solemnly proclaims that no State has the right to intervene, directly or indirectly, for any reason whatever, in the internal affairs of any other States, has been widely acclaimed and endorsed throughout the world.

The facts show, however, that the international situation is becoming increasingly acute as a result of acts of armed intervention and other forms of interference by the imperialist Powers, foremost among them the United States of America.

This situation is intolerable. The challenge by the imperialist Powers to the principles of the United Nations Charter, the Declaration on non-intervention, and the very course of historical evolution which has confirmed the right of peoples to determine their own destiny, cannot be ignored. The use of naked force in international relations, to the detriment of the vital interests of small countries which are not always able to protect, by their own efforts, their independence and sovereignty from imperialistic onslaughts, is utterly

inadmissible. The interests of peace call for the condemnation and immediate cessation of armed intervention in the domestic affairs of States and peoples and strict implementation of the above-mentioned Declaration and the United Nations Charter.

The USSR Government considers that it is the duty of the United Nations and of its Members to make every effort to achieve steadfast implementation of one of the most important principles of the United Nations Charter, consolidated in the Declaration—the principle of non-intervention in the domestic affairs of other States.

I request that this letter be regarded as an explanatory memorandum, as provided for in rule 20 of the rules of procedure of the General Assembly, and that it and

the draft resolution attached hereto be circulated as official documents of the United Nations.

(Signed) A. GROMYKO
Minister for Foreign Affairs of the
Union of Soviet Socialist Republics

DRAFT RESOLUTION

STATUS OF THE IMPLEMENTATION OF THE DECLARATION
ON THE INADMISSIBILITY OF INTERVENTION IN THE
DOMESTIC AFFAIRS OF STATES AND THE PROTECTION
OF THEIR INDEPENDENCE AND SOVEREIGNTY

[The draft resolution was subsequently distributed as document A/C.1/L.367; for the text, see A/6598, paragraph 5, below.]

DOCUMENT A/C.1/940

Letter dated 7 December 1966 from the Chairman of the delegation of Chile to the Secretary-General

[Original text: Spanish]
[7 December 1966]

I have the honour to refer to document A/C.1/938, dated 7 December 1966, containing a letter from the Permanent Representative of Costa Rica to the United Nations in which he requests the distribution as a General Assembly document of the resolution adopted on 28 November 1966 by the Council of the Organization of American States with regard to the report entitled "The First Afro-Asian-Latin American Peoples' Solidarity Conference". This resolution is also reproduced in document S/7606,¹ at the request of the Assistant Secretary General of the Organization of American States.

In view of the publication of this resolution and the report annexed thereto as General Assembly documents, the delegation of Chile finds it necessary to state that the representative of Chile to the Organization of American States, Ambassador Alejandro Magnet, abstained from voting on this resolution, as did two other representatives.

In explaining the position of Chile on the matter, Ambassador Magnet stated, *inter alia*:

"We believe that the Council does not have under the Charter, or specifically in virtue of resolution II of the Eighth Meeting of Consultation, the eminently political power to term particular actions intervention or aggression or to declare that they endanger the peace or security of the continent. Only when acting provisionally as the Organ of Consultation could the Council assume such powers, and it is a well-known fact that, when it met on 2 February 1966, the Council was not acting in that capacity. Consequently, in our opinion, it was exceeding its competence.

"At the meeting of the Council on 9 October 1962, the delegation of Chile abstained from voting, along with six other countries, for a widening of the powers of the Committee set up by the Council on 14 February of that year to carry out the task prescribed in resolution VIII of the Eighth Meeting of Con-

sultation. This Committee of seven members, which had already met under the chairmanship of the distinguished representative of Peru, Ambassador Lavalle, proceeded to deal with the questions relating to resolution II.1 and resolution VIII of the Eighth Meeting of Consultation. I shall not restate the reasons why the Chilean delegation abstained from supporting the setting up of the Lavalle Committee with its present competence.

"I shall not dwell on these reasons, Mr. Chairman, as this would involve reviving, to no purpose at the present time, discussions which were not always pleasant. What concerns me is to indicate the line of general logic which gives coherence to the position of the delegation of Chile. We abstained from approving the increased powers of the Lavalle Committee in 1962; we abstained from approving the resolution whereby the Council entrusted that Committee with the preparation of a report and recommendations, in February last. How could we, without being guilty of the greatest inconsistency, approve a resolution based on the said report and recommendations of the aforementioned Committee?

"Consequently, and to put it in the same unequivocal terms in which we condemned the disregard of the principle of non-intervention which the Tricontinental Conference and its resolutions represented, we shall not approve the draft resolution to be voted upon at this meeting.

"We are going to abstain for strictly legal reasons and, since the Council has assumed a political competence which, in our opinion, does not belong to it, we shall also state the political reasons for our abstention."

I request the Secretary-General to be good enough to have this letter circulated as a General Assembly document.

(Signed) Renán FUENTEALBA M.
Chairman of the delegation of Chile to the
twenty-first session of the General Assembly

¹ See Official Records of the Security Council, Twenty-first Year, Supplement for October, November and December 1966.

DOCUMENT A/6598

Report of the First Committee

[Original text: English and Russian]
[15 December 1966]

1. By a letter dated 23 September 1966 (A/6397), the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requested the President of the General Assembly to include in the agenda of the twenty-first session the item entitled "Status of the implementation of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty". A draft resolution was attached to the request for the inclusion of the item.

2. At its 164th meeting, on 24 September, the General Committee recommended the inclusion of the item in the agenda and its allocation to the First Committee (A/6438).

3. At its 1415th plenary meeting, on 24 September, the General Assembly approved the recommendation of the General Committee and referred the item to the First Committee for consideration and report.

4. At its 1430th meeting, on 13 October, the First Committee decided to consider the item as the seventh on its agenda (A/C.1/933). The item was considered at the 1473rd to 1483rd meetings, from 5 to 12 December.

5. The Committee had before it the above-mentioned draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/L.367), which read as follows:

"The General Assembly,

"Deeply concerned at the evidence of unceasing armed intervention by certain States in the domestic affairs of other States in different parts of the world, resulting in increased international tension,

"Reaffirming the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, adopted at its twentieth session,

"Deems it to be its bounden duty:

"(a) To urge the immediate cessation of intervention, in any form whatever, in the domestic affairs of States and peoples;

"(b) To call upon all States to carry out faithfully their obligations under the United Nations Charter and the provisions of the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty contained in resolution 2131 (XX);

"(c) To condemn all forms of intervention in the domestic affairs of States and peoples, as a basic source of danger to the cause of world peace;

"(d) To warn those States which, in violation of the United Nations Charter and the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, engage in armed intervention in the domestic affairs of other States and peoples that by so doing they assume responsibility for all the consequences which may ensue, including consequences to themselves."

6. On 30 November, 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/C.1/L.388) to the draft resolution, by which: (1) in the first preambular paragraph, the words "as also of other acts of direct or indirect interference committed against the sovereign personality and political independence of States," would be inserted between the word "world", and the words "resulting in increased international tension"; (2) in sub-paragraph (a) the words "or external" would be inserted between the word "domestic" and the words "affairs of States and peoples"; (3) in sub-paragraph (c) the words "or external" would be inserted between the word "domestic" and the words "affairs of States"; (4) in sub-paragraph (d) the words "engage in armed intervention in the domestic affairs" would be replaced by the following phrase: "engage in armed intervention or in the promotion or the organization of subversion, terrorism or other indirect forms of intervention in the domestic or external affairs".

7. On 9 December, revised amendments (A/C.1/L.388/Rev.1 and Rev.1/Corr.1) were submitted by the same sponsors, subsequently joined by Burma, Cyprus, Guinea, India, Indonesia, Iraq, Kenya, Kuwait, Libya, Mali, Mauritania, Nigeria, Somalia, Syria, Tunisia, the United Arab Republic, the United Republic of Tanzania and Yugoslavia (A/C.1/L.388/Rev.1/Add.1) and by Burundi, the Congo (Democratic Republic of), Iran and Togo (A/C.1/L.388/Rev.1/Add.2). The revised amendments read as follows:

"1. Amend the first preambular paragraph to read as follows:

"'Deeply concerned at the evidence of unceasing armed interventions by certain States in the domestic affairs of other States in different parts of the world and at other forms of direct or indirect interference committed against the sovereign personality and political independence of States, resulting in increased international tension,'

"2. Amend the second preambular paragraph to read as follows:

"'Reaffirming all the principles and rules embodied in the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty contained in its resolution 2131 (XX),'

"3. Amend sub-paragraph (a) of the operative paragraph to read as follows:

"'(a) To urge the immediate cessation of intervention, in any form whatever, in the domestic or external affairs of States;'

"4. Amend sub-paragraph (c) of the operative paragraph, which would become sub-paragraph (b), to read as follows:

"'(b) To condemn all forms of intervention in the domestic or external affairs of States as a basic source of danger to the cause of world peace;'

"5. Combine sub-paragraphs (b) and (d) in a single sub-paragraph (c), reading as follows:

"'(c) To call upon all States to carry out faithfully their obligations under the Charter of the United Nations and the provisions of the Declaration on the

Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty and to urge them to refrain from armed intervention or the promotion or organization of subversion, terrorism or other indirect forms of intervention undertaken for the purpose of changing by violence the existing system in another State or interfering in civil strife in another State.’”

8. At the 1483rd meeting, on 12 December, the representative of France requested a separate vote on the fifth amendment in document A/C.1/L.388/Rev.1 and Rev.1/Corr.1 and Rev.1/Add.1 and 2. The amendment was adopted by 91 votes to none, with 9 abstentions. The revised amendments as a whole were then adopted by 100 votes to none, with 1 abstention.

9. The draft resolution (A/C.1/L.367), as amended, was adopted by 99 votes to none, with 2 abstentions.

Recommendation of the First Committee

10. The first Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

STATUS OF THE IMPLEMENTATION OF THE DECLARATION ON THE INADMISSIBILITY OF INTERVENTION IN THE DOMESTIC AFFAIRS OF STATES AND THE PROTECTION OF THEIR INDEPENDENCE AND SOVEREIGNTY

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1499th plenary meeting, on 19 December 1966, the General Assembly, by a vote of 114 to none, with 2 abstentions, adopted the draft resolution submitted by the First Committee (A/6598, para. 10). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2225 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 96 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6301/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1965-15 June 1966)	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 1A</i>
A/6611 and Add.1	Letter dated 16 December 1966 from the representative of Cuba to the Secretary-General, transmitting a note dated 14 December 1966 from the Minister for External Relations of Cuba and the resolutions of the First Solidarity Conference of the Peoples of Africa, Asia and Latin America	Mimeographed
A/C.1/938	Letter dated 5 December 1966 from the representative of Costa Rica to the Secretary-General, requesting circulation as a General Assembly document of the contents of document S/7606	Mimeographed. For document S/7606, see <i>Official Records of the Security Council, Twenty-first year, Supplement for October, November and December 1966</i>
A/C.1/939	Letter dated 5 December 1966 from the representative of Mexico to the Secretary-General	Same text as S/7620; see <i>Official Records of the Security Council, Twenty-first year, Supplement for October, November and December 1966</i>
A/C.1/L.367	Union of Soviet Socialist Republics: draft resolution	See A/6598, para. 5
A/C.1/L.388	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/C.1/L.367	See A/6598, para. 6
A/C.1/L.388/Rev.1 and Rev.1/Corr.1 and Rev.1 Add.1-2	Argentina, Bolivia, Brazil, Burma, Burundi, Chile, Colombia, Congo (Democratic Republic of), Costa Rica, Cyprus, Dominican Republic, Ecuador, El Salvador, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran, Iraq, Kenya, Kuwait, Libya, Mali, Mauritania, Mexico, Nicaragua, Nigeria, Panama, Paraguay, Peru, Somalia, Syria, Togo, Tunisia, United Arab Republic, United Republic of Tanzania, Uruguay, Venezuela and Yugoslavia: revised amendments to document A/C.1/L.367	See A/6598, para. 7



Agenda item 97: Renunciation by States of actions hampering the conclusion of an agreement on the non-proliferation of nuclear weapons*

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, First Committee*, 1431st to 1440th meetings; and *ibid., Plenary Meetings*, 1458th meeting.

DOCUMENT A/6398

Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the twenty-first session

[Original text: Russian]
[23 September 1966]

LETTER DATED 23 SEPTEMBER 1966 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY

On the instructions of the Government of the Union of Soviet Socialist Republics, I request the inclusion of the following item, as an important and urgent question, in the agenda of the twenty-first session of the General Assembly: "Renunciation by States of actions hampering the conclusion of an agreement on the non-proliferation of nuclear weapons".

The Soviet Union favours the complete prohibition of nuclear weapons, cessation of the production of such weapons and the destruction of all stockpiles of such weapons. At the same time that it is striving for the attainment of this objective, the Soviet Union considers it essential that practical measures to promote nuclear disarmament should be taken as quickly as possible. In the view of the Soviet Government, action on the non-proliferation of nuclear weapons is, at present, the most important and timely measure of this kind which can be taken.

As you are aware, the General Assembly, after discussing the question of the non-proliferation of nuclear weapons at its twentieth session on the initiative of the Soviet Union, recognized the urgent need to solve this problem. In resolution 2028 (XX), the Assembly urged "all States to take all steps necessary for the early conclusion of a treaty to prevent the proliferation of nuclear weapons". In its resolution, the Assembly indicated that a treaty on non-proliferation should contain no loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form.

On the basis of the recommendations of the twentieth session of the General Assembly, the Conference of the

Eighteen-Nation Committee on Disarmament conducted negotiations at Geneva looking to the preparation of a draft treaty on the non-proliferation of nuclear weapons. Unfortunately, it must be noted that these negotiations have as yet produced no positive results and a problem which affects the vital interests of all peoples remains unsolved. This situation results from the fact that the Western Powers, and in the first instance the United States of America, are attempting, in spite of the clearly worded recommendations of the General Assembly, to leave loop-holes in the treaty on non-proliferation which open the way for non-nuclear States belonging to the North Atlantic Treaty Organization, particularly West Germany, to gain access to nuclear weapons or for the implementation of other projects for the so-called "division of nuclear responsibility" within that military alliance.

The Soviet Government is compelled to point out that this position adopted by the Western Powers is contrary to the objectives of General Assembly resolution 2028 (XX).

The Soviet Government expresses its firm conviction that at the present time, when the urgent necessity of preventing the dangerous proliferation of nuclear weapons is recognized by an overwhelming majority of Governments and when international negotiations are under way on this question, it is particularly important to create a favourable atmosphere for these negotiations and to avoid any actions which might block an agreement on the non-proliferation of nuclear weapons.

In our opinion, most States Members of the United Nations share our concern over the attempts to hamper the conclusion of an agreement on the non-proliferation of nuclear weapons. It should be recalled in this connexion that, as long ago as October 1964, the Second

Conference of Heads of States or Government of Non-Aligned Countries at Cairo requested the great Powers "to abstain from all policies conducive to the dissemination of nuclear weapons and their by-products among those States which do not at present possess them".

The Soviet Government, prompted by the desire to facilitate the conclusion of an agreement on the non-proliferation of nuclear weapons, urges the General Assembly to give the fullest possible consideration at its twenty-first session to the question of "Renunciation by States of actions hampering the conclusion of an agreement on the non-proliferation of nuclear weapons".

I should be grateful if you would regard this letter as an explanatory memorandum within the meaning of

rule 20 of the rules of procedure of the General Assembly and circulate both this letter and the attached Soviet draft resolution as official United Nations documents.

(Signed) A. GROMYKO
Minister for Foreign Affairs of the
Union of Soviet Socialist Republics

DRAFT RESOLUTION ON THE RENUNCIATION BY STATES OF ACTIONS HAMPERING THE CONCLUSION OF AN AGREEMENT ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

[The draft resolution was subsequently distributed under the symbol A/C.1/L.368 (see A/6496, para. 5, below).]

DOCUMENT A/6496

Report of the First Committee

[Original text: English and Russian]
[2 November 1966]

1. By a letter dated 23 September 1966 (A/6398), the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requested the President of the General Assembly to include on the agenda of the twenty-first session the item entitled "Renunciation by States of actions hampering the conclusion of an agreement on the non-proliferation of nuclear weapons". An explanatory memorandum and a draft resolution were attached to the request for the inclusion of the item.

2. At its 164th meeting, on 24 September, the General Committee recommended the inclusion of the item in the agenda and its allocation to the First Committee (A/6438).

3. At its 1415th meeting, on 24 September, the General Assembly approved the recommendation of the General Committee and allocated the item to the First Committee for consideration and report.

4. At its 1430th meeting, on 13 October, the First Committee decided to consider the item as the first on its agenda (A/C.1/933). It was considered at the 1431st to 1440th meetings, from 20 October to 2 November.

5. The Committee had before it the above-mentioned draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/L.368), subsequently joined by Bulgaria, the Byelorussian Soviet Socialist Republic, Italy, Mongolia, the Ukrainian Soviet Socialist Republic and the United States of America (A/C.1/L.368/Add.1), Czechoslovakia (A/C.1/L.368/Add.2), Norway (A/C.1/L.368/Add.3), the United Kingdom of Great Britain and Northern Ireland (A/C.1/L.368/Add.4), Denmark and Poland (A/C.1/L.368/Add.5), Ireland and Nepal (A/C.1/L.368/Add.6), Austria (A/C.1/L.368/Add.7), Finland, Iceland and the Netherlands (A/C.1/L.368/Add.8), and Belgium and Hungary (A/C.1/L.368/Add.9). The draft resolution read as follows:

"The General Assembly,

"Recalling its resolution 2028 (XX) of 19 November 1965,

"Convinced that the proliferation of nuclear weapons would endanger the security of all States

and hamper the achievement of general and complete disarmament,

"Considering that international negotiations are now under way with a view to the preparation of a treaty on the non-proliferation of nuclear weapons, and wishing to create an atmosphere conducive to the successful conclusion of those negotiations,

"Urgently appeals to States:

"(a) Pending the conclusion of a treaty on the non-proliferation of nuclear weapons, to refrain from any actions which might hamper the conclusion of an agreement on the non-proliferation of nuclear weapons;

"(b) To take all necessary steps for the earliest possible conclusion of a treaty on the non-proliferation of nuclear weapons."

6. On 25 October, a revised draft resolution (A/C.1/L.368/Rev.1) was submitted by Austria, Belgium, Brazil, Bulgaria, Burma, the Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Ethiopia, Finland, Hungary, Iceland, India, Ireland, Italy, Japan, Mexico, Mongolia, Nepal, the Netherlands, Nigeria, Norway, Poland, Sweden, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, subsequently joined by Afghanistan, Greece and Liberia (A/C.1/L.368/Rev.1/Add.1), Iran and Tunisia (A/C.1/L.368/Rev.1/Add.2), the Central African Republic and Guatemala (A/C.1/L.368/Rev.1/Add.3), Pakistan, the Philippines and Turkey (A/C.1/L.368/Rev.1/Add.4), Chile, Kuwait and Peru (A/C.1/L.368/Rev.1/Add.5) and Saudi Arabia (A/C.1/L.368/Rev.1/Add.6). By the revised draft resolution the General Assembly would urgently appeal to all States, pending the conclusion of a treaty on the non-proliferation of nuclear weapons: (a) to take all necessary steps to facilitate and achieve at the earliest possible time the conclusion of a treaty on the non-proliferation of nuclear weapons in accordance with the principles laid down in resolution 2028 (XX) of 19 November 1965; (b) to refrain from any actions conducive to the proliferation of nuclear weapons or which might hamper the conclusion

of an agreement on the non-proliferation of nuclear weapons.

7. At the 1440th meeting, on 2 November, the Committee adopted the forty-five-Power revised draft resolution (A/C.1/L.368/Rev.1 and Rev.1/Add.1-6) by a roll-call vote of 100 to 1, with 1 abstention. The voting was as follows:

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Malawi, Malaysia, Malta, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra

Leone, Singapore, South Africa, Spain, Sudan, Sweden, Syria, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against: Albania.

Abstaining: Cuba.

Recommendation of the First Committee

8. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

RENUNCIATION BY STATES OF ACTIONS HAMPERING
THE CONCLUSION OF AN AGREEMENT ON THE NON-
PROLIFERATION OF NUCLEAR WEAPONS

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1458th plenary meeting, on 4 November 1966, the General Assembly, by a vote of 110 to 1, with 1 abstention, adopted the draft resolution submitted by the First Committee (A/6496, para. 8). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2149 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 97 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6301/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1965-15 June 1966)	<i>Official Records of the General Assembly, Twenty-first Session, Supplement No. 1A</i>
A/6345 and Add.1	Note by the Secretary-General transmitting to the General Assembly the annual report of the International Atomic Energy Agency for the year 1965-1966	Mimeographed; for the report, see <i>Annual Report of the Board of Governors to the General Conference, 1 July 1965-30 June 1966</i> (International Atomic Energy Agency, July 1966), and <i>Supplement</i> to the report (IAEA document INFCIRC/87)
A/C.1/L.368 and Add.1-9	Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Denmark, Finland, Hungary, Iceland, Ireland, Italy, Mongolia, Nepal, Netherlands, Norway, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	See A/6496, para. 5
A/C.1/L.368/Rev.1 and Add.1-6	Afghanistan, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Chile, Czechoslovakia, Denmark, Ethiopia, Finland, Greece, Guatemala, Hungary, Iceland, India, Iran, Ireland, Italy, Japan, Kuwait, Liberia, Mexico, Mongolia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, 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 and Yugoslavia: revised draft resolution	Adopted without change. See A/6496, para. 8
A/L.492	Cyprus, Dahomey and Malta: amendment to the draft resolution submitted by the First Committee (A/6496, para. 8)	For the text, see <i>Official Records of the General Assembly, Twenty-first Session, Plenary Meetings</i> , 1458th meeting, para. 21



Agenda item 98: Elimination of foreign military bases in the countries of Asia, Africa and Latin America*

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* For the discussion of this item, see *Official Records of the General Assembly, Twenty-first Session, First Committee*, 1463rd to 1471st meetings; and *ibid.*, *Plenary Meetings*, 1484th meeting.

DOCUMENT A/6399

Union of Soviet Socialist Republics: request for the inclusion of an additional item in the agenda of the twenty-first session

[Original text: Russian]
[23 September 1966]

LETTER DATED 23 SEPTEMBER 1966 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

On the instructions of the Government of the Union of Soviet Socialist Republics, I request the inclusion in the agenda of the twenty-first session of the General Assembly, as an important and urgent question, of an item entitled "Elimination of foreign military bases in the countries of Asia, Africa and Latin America".

All peace-loving States consider it necessary that the military bases established in foreign territory by certain Powers belonging to Western military blocs should be eliminated. The necessity of such a measure was stated by the Summit Conference of Independent African States, held at Addis Ababa in May 1963, and by the Second Conference of Heads of State or Government of Non-Aligned Countries, held at Cairo in October 1964.

The facts show, however, that the United States of America and certain other Western Powers stubbornly continue to use their military bases in foreign territory for direct or indirect interference in the affairs of other States and peoples. Recent events in Africa, Asia and Latin America indicate that the United States military bases in those continents, which it uses for purposes of armed intervention and gross violence against peoples fighting for their freedom and independence, represent a special danger to the sovereignty and national freedom of States. There is a direct connexion between the United States imperialist aggression in Viet-Nam and its use of military bases in foreign territory.

The existence of military bases in foreign territory is incompatible with the General Assembly Declaration

on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)), since they are used to perpetuate colonialism; with the General Assembly Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty (resolution 2131 (XX)); and with the General Assembly resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2105 (XX)), requesting all colonial Powers to dismantle the military bases installed in colonial Territories and to refrain from establishing new ones.

Since many States are particularly disturbed by the fact that certain Western Powers maintain military bases in the territory of colonies and former colonies, the USSR Government proposes that the decision should now be taken to eliminate all foreign military bases on the territory of countries of Asia, Africa and Latin America.

The elimination of foreign military bases in the countries of Asia, Africa and Latin America would help to reduce international tension and to remove one of the sources of conflict which imperil peace. It would also help to strengthen the independence of the new States of Asia, Africa and Latin America, to stop interference in their internal affairs and to bring to a rapid conclusion the historic struggle of peoples for the complete elimination of colonialism and vestiges of colonialism.

I request that this letter be regarded as the explanatory memorandum provided for in rule 20 of the rules of procedure of the General Assembly and that it and

the attached draft resolution submitted by the Soviet Union be circulated as official documents of the United Nations.

(Signed) A. GROMYKO
Minister for Foreign Affairs of the
Union of Soviet Socialist Republics

DRAFT RESOLUTION

Elimination of foreign military bases in the countries of Asia, Africa and Latin America

[The draft resolution was subsequently distributed as document A/C.1/L.369 (see A/6541, paragraph 5, below).]

DOCUMENT A/6541

Report of the First Committee

[Original text: English and Russian]
[2 December 1966]

1. By a letter dated 23 September 1966 (A/6399), the Minister for Foreign Affairs of the Union of Soviet Socialist Republics requested the President of the General Assembly to include in the agenda of the twenty-first session an item entitled "Elimination of foreign military bases in the countries of Asia, Africa and Latin America." The letter served as an explanatory memorandum, and a draft resolution was attached thereto.

2. At its 164th meeting, on 2^d September, the General Committee recommended the inclusion of the item in the agenda and its allocation to the First Committee (A/6438).

3. At its 1415th plenary meeting, on 24 September, the General Assembly approved the recommendation of the General Committee and allocated the item to the First Committee for consideration and report.

4. At its 1430th meeting, on 13 October, the First Committee decided to consider the item as the sixth on its agenda (A/C.1/933). The item was considered at the 1463rd to 1471st meetings, from 24 November to 2 December.

5. The Committee had before it the above-mentioned draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/L.369), which read as follows:

"The General Assembly,

"Noting with concern that foreign military bases in the territory of independent States of Asia, Africa and Latin America are used for direct military intervention in the internal affairs of peoples, for suppression of their struggle for independence and freedom and for dangerous activities which threaten world peace,

"Considering that the existence of military bases in dependent territories is incompatible with the General Assembly resolution on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2105 (XX)), requesting the colonial Powers to dismantle the military bases established in colonial territories and to refrain from establishing new ones,

"1. Invites States with military bases in the territory of independent States or dependent territories in Asia, Africa and Latin America immediately to eliminate these bases and never to establish others;

"2. Requests the Secretary-General of the United Nations to supervise the fulfilment of the terms of this resolution and to report on the results of its implementation to the General Assembly at its twenty-second session."

6. On 28 November, Togo submitted amendments (A/C.1/L.385) to draft resolution A/C.1/L.369, reading as follows:

"(1) In the first preambular paragraph, replace the words 'Asia, Africa and Latin America' by the words 'Asia, Africa, America and Europe'.

"(2) In operative paragraph 1, replace the words 'Asia, Africa and Latin America' by the words 'Asia, Africa, America and Europe'; and insert the words 'Subject to agreements between countries' before the word 'Invites'. Operative paragraph 1, as amended, would read:

"1. Subject to agreements between countries, invites States with military bases in the territory of independent States or dependent territories in Asia, Africa, America and Europe immediately to eliminate these bases and never to establish others;"

7. On 28 November, Liberia submitted amendments (A/C.1/L.386) to draft resolution A/C.1/L.369, reading as follows:

"(1) Insert a new first preambular paragraph reading as follows:

"Believing that foreign military bases should never be established in the territory of the independent States of Asia, Africa and Latin America against the sincere and freely expressed wishes of the peoples directly concerned,'

"(2) Replace the present first preambular paragraph by the following, which becomes the second preambular paragraph:

"Believing further that military bases established contrary to this principle are likely to be used for direct military intervention in the internal affairs of peoples, for suppression of their struggle for independence and freedom and for dangerous activities which threaten world peace,'

"(3) Change operative paragraph 1 to read as follows:

"1. Invites States with military bases in the territory of independent States to eliminate these bases and never to establish others unless the States in exercise of their sovereign rights wish to retain the bases in their territories;'

"(4) Before the present operative paragraph 2, add a new operative paragraph 2 as follows:

"2. Requests States with military bases in dependent territories of Asia, Africa and Latin America immediately to demilitarize such territories;'
"and renumber the present operative paragraph 2 as paragraph 3."

8. At the 1471st meeting, on 2 December, the representative of Liberia submitted oral changes in these amendments, by which:

(1) In the first amendment, the words "Asia, Africa and Latin America" in the new first paragraph of the preamble were replaced by the words "Asia, Africa, America and Europe";

(2) In the second amendment, in the new second preambular paragraph, the word "foreign" was inserted before the words "military bases", the words "established contrary to this principle are likely to" were replaced by the word "can", and the word "direct" between the words "for" and "military intervention" was deleted;

(3) In the third amendment, operative paragraph 1 was changed to read as follows:

"Invites States with military bases established in the territory of independent States to eliminate these bases and never to establish others unless the host countries in exercise of their sovereign rights favour the establishment or retention of bases in their territories;"

(4) In the fourth amendment, the new operative paragraph 2 was changed to read as follows:

"Requests States with military bases in dependent territories of Asia, Africa, America and Europe immediately to close down such bases;"

9. On 30 November, a draft resolution (A/C.1/L.387) was submitted by India, the United Arab Republic and Yugoslavia, by which the General Assembly would decide to transmit to the Conference of the

Eighteen-Nation Committee on Disarmament for further consideration and report, all the documents and records of the meetings of the First Committee and the plenary meetings of the General Assembly pertaining to this item.

10. At the 1469th meeting, on 30 November, the representative of the United Arab Republic, on behalf of the sponsors, moved that the three-Power draft resolution (A/C.1/L.387) should be voted on first and that, if it was adopted, draft resolution A/C.1/L.369 should not be put to the vote.

11. At the 1471st meeting, on 2 December, the Committee decided, by 100 votes to none, with 8 abstentions, to give priority to draft resolution A/C.1/L.387.

12. At the same meeting, the First Committee adopted the three-Power draft resolution (A/C.1/L.387) by 99 votes to none, with 10 abstentions. The Committee then decided by 99 votes to 1, with 8 abstentions, not to vote on draft resolution A/C.1/L.369 and the amendments thereto.

Recommendation of the First Committee

13. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

ELIMINATION OF FOREIGN MILITARY BASES IN THE COUNTRIES OF ASIA, AFRICA AND LATIN AMERICA

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

ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1484th plenary meeting, on 5 December 1966, the General Assembly, by a vote of 94 to none, with 10 abstentions, adopted the draft resolution submitted by the First Committee (A/6541, para. 13). For the final text, see *Official Records of the General Assembly, Twenty-first Session, Supplement No. 16*, resolution 2165 (XXI).

CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 98 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title or description</i>	<i>Observations and references</i>
A/6300/Rev.1	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, Twenty-first Session, Annexes</i> , addendum to agenda item 23
A/C.1/L.369	Union of Soviet Socialist Republics: draft resolution	See A/6541, para. 5
A/C.1/L.385	Togo: amendments to document A/C.1/L.369	See A/6541, para. 6
A/C.1/L.386	Liberia: amendments to document A/C.1/L.369	See A/6541, para. 7
A/C.1/L.387	India, United Arab Republic and Yugoslavia: draft resolution	Adopted without change. See A/6541, para. 13

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