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Chairman: Sir Claude COREA (Ceylon).

AGENDA ITEM 44

**Budget estimates for the financial year 1959 (A/4038,
 A/C.5/752, A/C.5/767) (continued) 1/**

**Organization of the Secretariat: Department of Eco-
 nomic and Social Affairs and Technical Assistance
 Administration (A/4038, A/C.5/752, A/C.5/767)
 (continued) 2/**

1. Mr. LIND (Sweden) expressed his delegation's appreciation of the report of the Advisory Committee on Administrative and Budgetary Questions (A/4038), which should be of great assistance to the Committee not only because it reaffirmed the Advisory Committee's consistently favourable attitude to the merger of the Department of Economic and Social Affairs and the Technical Assistance Administration (TAA) but also because it presented additional factual information which should dispel a number of misconceptions.

2. All members of the Fifth Committee were undoubtedly interested in the savings that might result from the merger, but he agreed with the Advisory Committee and the Secretary-General that it was not feasible to provide specific information on the merger at that time, for it would be unrealistic to expect the details of reorganization at the base to be worked out prior to unification at the top. The next step was for the Secretary-General to implement his proposals; only then could he give the Fifth Committee further information. The Secretary-General had gone to considerable lengths to provide the Committee with all the available information about his plans, although he could, under the Charter, have proceeded with them without submitting them for detailed approval.

3. He noted with satisfaction that the Secretary-General intended to take into account the observations made in the Fifth Committee, to consult the Advisory Committee when he had completed his detailed review of administrative procedures and to report further to the Fifth Committee at the fourteenth session. If the

1/ Resumed from the 701st meeting.
 2/ Resumed from the 694th meeting.

procedure outlined in paragraph 10 of the Advisory Committee's report were followed, the Fifth Committee would have every assurance that the matter would be kept under constant review until it had another opportunity to discuss it at the next session. He therefore suggested that the Rapporteur's report should include a recommendation along the lines of that paragraph.

4. Mr. EL-MESSIRI (United Arab Republic) said that the additional information given in the Advisory Committee's report and more particularly in the Secretary-General's replies to the Advisory Committee's questions (A/4038, annex) was satisfactory to his delegation. He therefore supported the Swedish representative's suggestion.

5. Mr. URQUIDI (Mexico) said that the annex to the Advisory Committee's report would certainly give the Committee a better understanding of the question. It would appear that a problem arose in connexion with advice on technical assistance projects particularly as far as the newly independent States were concerned. It was certainly very important that the Department's advice should be available to Governments in order to ensure that the best possible use was made of the technical assistance available. He was not convinced, however, that that made the merger of the Department and TAA imperative. The Advisory Committee noted in its report (para. 6) that "over the last eight years there had been increasingly close co-operation at the various levels on a daily basis" but that "it was the view of the Secretary-General that this co-operation and co-ordination could be improved upon by the proposed merger". It was difficult to see the logic of that argument; if the existing co-operation was satisfactory, the merger was not necessary. The functions and activities of the Department were already many and varied and he doubted whether it would lead to increased efficiency to give it still further work without a commensurate increase in staff. The matter had been discussed at length and he would not go over all the arguments again. Suffice it to say that his delegation was still unconvinced and that, in its view, the Advisory Committee had gone rather far in stating that it was "unrealistic" of the Committee to wish to know the details of the proposed merger in advance.

6. In conclusion, he congratulated the Advisory Committee on having carried out an excellent study, but said that he had been unable to find any expression in the report of the Advisory Committee's own opinion. Perhaps the Advisory Committee had felt that there were no administrative and budgetary aspects on which it could or should comment at that juncture.

7. Mr. KWEEDJIEHOO (Indonesia) said that his delegation did not expect to receive detailed information at that time but it had expected to be given some idea of how the Secretary-General planned to achieve the merger. The only specific fact of which the Committee

had been informed was that there would be two officers with the rank of Under-Secretary and that the underlying reason for that arrangement was to preserve a clearly identifiable entity for technical assistance. The rank of the head of a service was, however, of far less importance in preserving its separate entity than the way in which the service was organized. He had expected the Advisory Committee to give its advice, but its report threw very little light on the matter and he had the impression that it was reluctant to state its views on crucial points. He cited a number of instances in which the Advisory Committee had merely reported the Secretary-General's views without giving its own. Accordingly, although his delegation was in favour of the merger in principle, it could not support it at that stage on the basis of the information available to the Committee.

8. Mr. PENTEADO (Brazil) said that he was not convinced that the merger was necessary or that it would save time or money, eliminate waste or make the work of TAA more efficient. Nevertheless, since the members of the Committee could do no more than express their lack of conviction, he would merely voice the hope that, if the proposed merger took place, it would justify the Secretariat's optimism and prove that the misgivings of some delegations were unfounded.

9. Mr. VENKATARAMAN (India) said that the Advisory Committee's report elucidated two or three points his delegation had raised at a previous meeting. His delegation had noted that the Secretary-General's plan appeared to concern only integration at the top level and that it gave no details concerning integration at the base. The Advisory Committee had considered that point and had firmly endorsed the Secretary-General's contention that it would be unrealistic to expect the details of reorganization at the base to be worked out prior to unification at the top. His delegation was prepared to accept the Advisory Committee's considered view on that point. His delegation had also deprecated the fact that the financial consequences of the proposed merger had not been stated. The Advisory Committee noted, however, that the plan was based not only on financial economies but also on the more effective utilization of staff and other resources. That was an objective which his delegation always supported and he could therefore accept the Advisory Committee's conclusions on that point, too. In view of the assurance that the Advisory Committee would be consulted at every stage and that a further report would be submitted to the General Assembly at its fourteenth session, he would support any decision based on the Advisory Committee's report.

10. Mr. NUÑEZ (Panama) associated himself with the Mexican representative's remarks. The proposed merger of the Department and TAA was a vitally important question and should be studied further in the light of the Secretary-General's replies to the Advisory Committee's questionnaire. He drew attention to paragraph 3 of the Advisory Committee's report and particularly to the statement that the Advisory Committee did not find it possible at that stage "to add any further specific comments on the administrative advantages or disadvantages of the scheme proposed by the Secretary-General".

11. Mr. AHANEEN (Iran) said that the stand taken by his delegation at the 681st meeting had been fully vindicated by the Advisory Committee's report. Now that

additional information was available, the Committee might safely leave the matter in the Secretary-General's hands. The Rapporteur's report might contain a reference to the various reports and statements by the Advisory Committee and the Secretary-General and note that the Advisory Committee would be consulted on the details of the amalgamation and that the Secretary-General would report further to the Fifth Committee at the following session.

12. The CHAIRMAN proposed that the Committee should note the report of the Secretary-General on the organization of the Department of Economic and Social Affairs and the Technical Assistance Administration (A/C.5/752), as amplified by the Secretary-General's oral statement to the Committee at the 690th meeting, his written replies to the questions addressed to him by the Advisory Committee, and the Advisory Committee's observations on those replies in its thirty-sixth report to the General Assembly (A/4038). The Fifth Committee might also request the Secretary-General:

"(1) To share with the Advisory Committee the results of his review of internal procedures to be undertaken after amalgamation in order that he may have the advice and guidance of that Committee before completing the detailed administrative and procedural changes required;

"(2) To submit, prior to the opening of the fourteenth session of the General Assembly, a progress report on the amalgamation of the Department of Economic and Social Affairs and the Technical Assistance Administration for the consideration of the Advisory Committee and the Fifth Committee."

13. Mr. URQUIDI (Mexico) said that his delegation would abstain from voting on that proposal.

The proposal was adopted by 33 votes to none, with 26 abstentions.

FINANCIAL IMPLICATIONS OF THE DRAFT RESOLUTION SUBMITTED BY THE FOURTH COMMITTEE IN DOCUMENT A/3959/ADD.1 ON AGENDA ITEM 39 (a)* (A/3998, A/C.5/761) (continued)^{3/}

14. The CHAIRMAN announced that, at the Fourth Committee's 837th meeting, the Chairman of that Committee had drawn its attention to the invitation extended to it by the Fifth Committee to reconsider the draft resolution (A/3959/Add.1) which it had adopted at its 777th meeting. No motion to reconsider the draft resolution had been presented under rule 124 of the General Assembly's rules of procedure.

15. Mr. HILLIS (United Kingdom) felt that the decision taken by the Fifth Committee at the previous meeting to include in its report on the question of convening a second United Nations conference on the law of the sea the expression of an opinion on the desirability of holding such a conference from the budgetary and administrative standpoint, established once and for all the Committee's competence to express such opinions. On the matter now under discussion it remained for the Committee to decide what form its action should take.

16. The possibilities were: first, to include in the Rapporteur's report a statement of opinion on the lines

* Question of South West Africa:

(a) Report of the Good Offices Committee on South West Africa.

^{3/} Resumed from the 695th meeting.

of the one he had mentioned; secondly, to recommend a token reduction in the appropriation, or a token appropriation for expenditure under the Fourth Committee's draft resolution; thirdly, to recommend that action under the draft resolution should be financed from existing appropriations; fourthly, to recommend that no appropriation whatsoever should be made; and fifthly, to recommend that verbatim records of the relevant meetings of the Fourth Committee should be made available to the Good Offices Committee on South West Africa, as originally proposed by the Canadian delegation at the 777th meeting of the Fourth Committee.

17. His delegation, however, would suggest the following course of action as a basis for discussion: the Chairman of the Fifth Committee should be asked to inform the President of the General Assembly that, for the reasons advanced by the Advisory Committee in its report (A/3998) and in view of the opinions expressed during the discussion, the Fifth Committee would be unwilling to recommend any expenditure in 1959 on the mimeographing and circulation of verbatim records of the Fourth Committee's discussions on agenda item 39 (a). That would avoid a direct clash with the Fourth Committee and, at the same time, make it clear that another fully representative Main Committee of the General Assembly was unable to accept the consequences of the Fourth Committee's decision.

18. The CHAIRMAN pointed out that the Committee would in any case have to state the financial implications of the Fourth Committee's draft resolution; the text suggested by the United Kingdom should accordingly be regarded as a possible addition to such a statement.

19. Mr. VENKATARAMAN (India) endorsed the United Kingdom representative's interpretation of the decision adopted at the previous meeting.

20. As to the substance of the question now at issue, however, rule 60 of the General Assembly's rules of procedure made it clear that a Committee had the right to determine whether to ask for summary or verbatim records having regard to the importance of the subject under discussion. In the case in point, the subject of the Fourth Committee's discussion had been one of profound interest to all those under-developed countries which looked forward to the progress of colonial and Trust Territories towards freedom and independence. The Fourth Committee, after very careful consideration, had decided to ask for verbatim records of its discussion on the report of the Good Offices Committee on South West Africa in order to preserve for future reference—by, among others, the Good Offices Committee itself—the finer shades of the legal arguments advanced. In contrast, the Sixth Committee's decision to convene a second United Nations conference on the law of the sea had been adopted by a precarious margin. The Fourth Committee, having found it unnecessary to reconsider its draft resolution, had placed the issue squarely before the Fifth Committee. If the United Kingdom suggestion was embodied in a formal proposal, his delegation would vote against it.

21. Mr. MAJOLI (Italy) felt that the summary records prepared by the Secretariat provided adequate information on the debates covered, and that the provision of verbatim records in the case at issue would set a precedent. The Committee should act in accordance with its previous decision on the control and limitation

of documentation, which had led to the adoption of General Assembly resolution 1272 (XIII), and should state that it opposed additional expenditure on the verbatim records requested.

22. Mr. KEATING (Ireland) doubted the constitutional wisdom of allowing Committees to vote themselves verbatim records. The Indian delegation had implied that the nature of a delegation's vote on the present issue was an indication of its outlook on colonial matters. His delegation was anxious for a suitable settlement of the question of South West Africa, but failed to see how the proliferation of paper would help the people of that Territory.

23. However, he saw no objections to the Committee suggesting in its report that verbatim records of the meetings in question should be made available to the Good Offices Committee; it should indicate the approximate cost of that procedure, which would be relatively small.

24. Mr. BENDER (United States of America) associated his delegation with the Irish representative's remarks. He hoped that the Committee would be able to deal with the item before it without discussing colonial issues.

25. It was generally agreed that the Fifth Committee was competent to include in its reports to the General Assembly an expression of its opinion on the financial and administrative merits of a proposal; the expression of such an opinion was particularly appropriate in the present instance, for the Fourth Committee's draft resolution would mark a departure from the established practice, as pointed out by the Advisory Committee (A/3998, para. 5), and was inconsistent with a provision of General Assembly resolution 1272 (XIII) which had been included on the initiative of the Indian delegation: namely, that in regard to the maintenance of verbatim and summary records the existing practice should continue unaltered in all respects. Hence the only course open to the Fifth Committee was to recommend against adoption of the Fourth Committee's draft resolution, at any rate in its present form. It might, however, state that it would not object to verbatim records being made available to the Good Offices Committee.

26. He therefore proposed that the following paragraph should be included in the Fifth Committee's report to the General Assembly on the item:

"The Fifth Committee advises against the adoption of the draft resolution contained in the report of the Fourth Committee (A/3959/Add.1) in its present form on administrative and budgetary grounds. That draft resolution proposes a departure from established practice and, accordingly, is inconsistent with resolution 1272 (XIII) adopted by the General Assembly on 14 November 1958, which provides in operative paragraph 2 that '... in regard to the maintenance of verbatim and summary records, the existing practice shall continue unaltered in all respects'.

"The Fifth Committee would have no objection to the draft resolution if the words 'mimeographed and circulated' in the operative paragraph were replaced by the words 'made available to the Good Offices Committee'."

27. Mr. HILLIS (United Kingdom) supported the United States proposal.

28. Mr. VENKATARAMAN (India), replying to the representative of the United States, said that there were two aspects to the question: first, the merits of the Fourth Committee's proposal and second, the Fourth Committee's competence to make such a proposal.

29. In connexion with the question of competence, the representative of the United States had suggested that because India had been the co-sponsor of an amendment which had been embodied in the draft resolution on control and limitation of documentation approved by the Committee at its 657th meeting and which had provided that the existing practices in regard to maintenance of verbatim and summary records should continue unaltered in all respects, it could not logically support the Fourth Committee's proposal, since that would constitute a change in the existing practice. Under rule 60 of the rules of procedure, however, the Fourth Committee unquestionably had the right to decide that in a specific instance it should have verbatim records. It had so decided, and its right to do so was not affected by the adoption of the resolution on control and limitation of documentation.

30. Since there was no substance in the objection to the Fourth Committee's proposal on the ground of that Committee's competence, the question must be considered on its merits. In the Fourth Committee India had taken the view that it was necessary to preserve the debate on the report of the Good Offices Committee and that verbatim records of that debate should be circulated to all those interested; it had taken an active part in bringing about the adoption of that proposal. It had been suggested that there was no need for the Fifth Committee to consider the merits of the proposal, and he was quite prepared to agree that it should accept the Fourth Committee's decision on that point. He would accordingly vote against the United States proposal.

31. Mr. PACHACHI (Iraq) recalled that, as he had already pointed out at the 695th meeting, the Fourth Committee's decision had been taken in the full knowledge of the financial and administrative implications. The Advisory Committee's report added nothing new to the considerations examined by the Fourth Committee at the time; the Fourth Committee's decision had been essentially of a political nature, and his delegation was anxious that the Advisory Committee should preserve its reputation for objectivity and detachment from political issues.

32. He doubted the constitutional propriety of the reintroduction, by the Fifth Committee, of a Canadian amendment which had been rejected at the 777th meeting of the Fourth Committee; he thought it would be wiser for the textual amendment proposed by the United States to be presented by an individual delegation at a plenary meeting of the General Assembly. He asked the Secretariat whether there was any precedent for the introduction by one Committee of an amendment to a proposal made by another.

33. He was equally doubtful whether it was constitutionally proper for the Fifth Committee to advise against the adoption of another Committee's proposal. A more appropriate course would be for the Fifth Committee, after stating the financial and administrative implications of the Fourth Committee's proposal, to point out to the General Assembly that its decision on that proposal should be taken with due regard to those implications. Rule 154 of the rules of procedure

provided that the Fifth Committee should have an opportunity of stating the effect of a given proposal upon the budget estimates; such a statement was a very different matter from a recommendation against adoption of a political decision proposed by another Committee in the full knowledge of the facts.

34. Mr. BENDER (United States of America) said in reply to a question from the CHAIRMAN that his proposal did not imply the belief that the Fifth Committee could amend a draft resolution adopted by the Fourth Committee. Its purpose was to point out to the General Assembly, which could amend the draft resolution in question, that if the text was altered in the sense suggested, the Fifth Committee's objections would be removed.

35. Replying to the representative of Iraq, he said that the Fourth Committee had not had all the relevant documents and decisions before it, since its draft resolution had been adopted on 29 October 1958, whereas the General Assembly had not adopted resolution 1272 (XIII) on control and limitation of documentation until 14 November 1958. The representative of Iraq had also suggested that the action he (Mr. Bender) had proposed might be unprecedented and unconstitutional. He would like to hear from the Secretariat whether there were any precedents for a recommendation against the adoption of another Committee's proposal.

36. Mr. MONK (Canada) said that although he believed that the Fourth Committee had the right to decide that for specific purposes it should have verbatim records, he also believed that the Fifth Committee had the right to decide whether or not such a procedure was advisable on administrative and budgetary grounds. The Canadian delegation believed that on those grounds the present proposal was unjustifiable. The United States proposal that verbatim records should be made available in English to the members of the Good Offices Committee had originally been made by Canada in the Fourth Committee as a compromise proposal, and Canada would support it in the Fifth Committee, although it believed that the provision of verbatim records in the present instance would establish a precedent that was not conducive to sound administrative arrangements in the future.

37. Mr. PACHACHI (Iraq) said in reply to the representative of the United States that, although the General Assembly had not yet adopted the resolution on control and limitation of documentation, at the time the Fourth Committee had adopted the resolution under discussion the former resolution had already been adopted by the Fifth Committee; the Fourth Committee had consequently been aware of the debate that had taken place in the Fifth Committee and had thus had all the relevant information at its disposal.

38. It would not be desirable for General Assembly Committees to adopt the practice of suggesting changes in the wording of draft resolutions adopted by other Committees, which they might well do if the Fifth Committee claimed such a right. Amendments could be proposed at a plenary meeting, and if it was desired to reintroduce the proposal originally made by Canada in the Fourth Committee, that should be done in the General Assembly. He did not consider that such an amendment should be reintroduced in the Fifth Committee.

39. Mr. RUTLEDGE (Secretary of the Committee), replying to the representative of Iraq, said that there was no precedent for the Fifth Committee's proposing an amendment to a draft resolution adopted by another Committee.

40. In answer to the representative of the United States, he said that there had been previous cases in which the Fifth Committee had informed the General Assembly that it could not, on administrative and budgetary grounds, support proposals made by other Committees.

41. Mr. URQUIDI (Mexico) said that in the Fourth Committee Mexico had supported the proposal that there should be verbatim records of the debate in question, and he therefore agreed with what had been said by the representatives of India and Iraq. He took the same view of the question as he had taken of the Sixth Committee's recommendation that there should be a second United Nations conference on the law of the sea, namely, that discussion of the substance of the question was not within the Fifth Committee's competence, and that the Committee should confine itself to reporting to the General Assembly on the financial implications of the proposal and leave it to the Assembly to take the final decision.

42. With regard to the control and limitation of documentation, he referred to his statement at the 656th meeting and said that his delegation had never considered that the limitation of documentation should be carried to a point at which the effective functioning of the Organization would be impaired, or that an absolute or rigid limitation should be imposed. The debate in the Fifth Committee had made it clear that the approach should be flexible and that the overriding consideration should be efficiency rather than economy.

43. Mr. GEORGIEV (Bulgaria) said that in the debate at the 702nd meeting on the financial implications of a draft resolution adopted by the Sixth Committee he had maintained that the Fifth Committee was competent to take decisions regarding the appropriation of funds and to refuse to finance a programme that had already been approved by another Committee. That view was based on the principle of the sovereignty of the Main Committees of the General Assembly, by virtue of which each Committee, in its own sphere of competence, had the same rights as the General Assembly except that its decisions were subject to the latter's approval. The right to refuse to appropriate funds must be exercised by the Fifth Committee, since that right had been delegated to it by the General Assembly, and could not be exercised by any other United Nations body.

44. Nevertheless, the sovereignty of General Assembly Committees could be limited by the General Assembly, the Committees themselves or relevant legal texts such as the Charter. In the present instance a limitation was imposed on the sovereignty of the Fifth Committee by rule 60 of the rules of procedure of the General Assembly. The right of each Committee, under that rule, to decide upon the form of its records could be removed only by the amendment of the rules of procedure. The validity of General Assembly resolution 1272 (XIII) on the control and limitation of documentation must therefore be regarded as subject to the application of rule 60 of the rules of procedure. While that resolution laid down a general rule, the draft resolution adopted by the Fourth Committee constituted a

legally valid exception to that rule. Reference had been made to the existing practice, but practice and precedents could not be considered legally binding except in the absence of applicable legal provisions. He therefore considered that there was no legal basis for the arguments that had been adduced against the view expressed by the representative of India. With regard to the question of convening a second United Nations conference on the law of the sea, considered at the 702nd meeting, there had been no legal provision limiting the Fifth Committee's competence to take a decision. In the present instance there was, and it was therefore possible to take a different decision.

45. Whatever proposal or proposals were finally put to the Committee for its decision, he asked that they should be put to the vote.

46. Mr. LAGUMBAY (Philippines) said that the main objection to the Fourth Committee's proposal was apparently financial. He asked the Controller whether there was a time limit for the production of the verbatim records in question, and if not, whether it would be possible for the existing Secretariat staff to produce the records, without additional expense, in the course of 1959. If that would not be possible, he was not inclined to favour any departure from the established practice, since it was the special function of the Fifth Committee to stress financial considerations in taking all its decisions.

47. Mr. TURNER (Controller) replied that, if the proposed verbatim records were to serve the desired purpose, their production could not long be delayed. The work could not be done by the existing Secretariat staff and moreover, if it was not completed by the end of January, the costs would be higher, since the Spanish verbatim reporters, for example, were available only during the General Assembly; hence, additional travel costs would be involved if the work was not begun immediately.

48. The CHAIRMAN said he believed the Committee recognized that at the previous meeting it had established a procedure that it would wish to follow in future with regard to such matters. It had then unanimously agreed that it was competent to express its own views on any proposal in the light of the budgetary implications, and that accordingly, in reporting to the General Assembly on the financial implications of a proposal adopted by another Committee, it had the right to express its views on whether or not that proposal should be approved by the Assembly.

49. The Fifth Committee recognized the sovereign right of all other Committees to act on the questions allocated to them by the General Assembly, and the Fourth Committee accordingly had the right to take whatever decision it thought fit on the question under discussion. The Fifth Committee, on the other hand, had the same right with regard to financial implications, and could say whether or not a proposed action would have a prejudicial effect on the United Nations budget.

50. The Committee could therefore consider, and vote on, any of the procedures suggested by the representative of the United Kingdom, or that proposed by the representative of the United States.

The meeting rose at 1.15 p.m.