

Tuesday, 28 November 1961,  
at 10.50 a.m.



SIXTEENTH SESSION

Official Records

NEW YORK

CONTENTS

	Page
Agenda item 54:	
Budget estimates for the financial year 1962 (continued)	
Draft report of the Fifth Committee to the General Assembly	
Draft text relating to section 18—Special missions . . . . .	255
Comprehensive review of the question of the payment of honoraria to members serving on organs and subsidiary organs of the United Nations in an individual, personal capacity (concluded)	
Draft report of the Fifth Committee to the General Assembly . . . . .	255
Salaries of Judges of the International Court of Justice . . . . .	255
Agenda item 64:	
Personnel questions (continued):	
(c) Other personnel questions (continued) . . .	256
Agenda item 93:	
An international investigation into the condi- tions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of members of the party accompanying him	
Compensation to the families of the victims.	256
Agenda item 62:	
Administrative and budgetary procedures of the United Nations: report of the working group appointed under General Assembly resolution 1620 (XV) (continued) . . . . .	256

**Chairman:** Mr. Hermod LANNUNG (Denmark).

AGENDA ITEM 54

Budget estimates for the financial year 1962 (A/4770, A/4813, A/4814, A/4910, A/4918, A/4919, A/4949, A/4965, A/4981, A/C.5/869, A/C.5/870, A/C.5/874, A/C.5/876, A/C.5/877, A/C.5/878, A/C.5/881, A/C.5/882, A/C.5/887, A/C.5/889, A/C.5/894, A/C.5/L.674 and Add.1, A/C.5/L.679, A/C.5/L.693, A/C.5/L.694) (continued)\*

DRAFT REPORT OF THE FIFTH COMMITTEE TO  
THE GENERAL ASSEMBLY (A/C.5/L.694)

*Draft text relating to section 18—Special missions  
(A/C.5/L.694)*

1. Mr. ARRAIZ (Venezuela), Rapporteur, introduced the draft text (A/C.5/L.694) relating to section 18—Special missions, for inclusion in the main report of the Fifth Committee on the 1962 budget estimates

under the chapter heading "Matters considered during the first reading of the budget estimates for 1962".

*The draft report (A/C.5/L.694) was adopted.*

**Comprehensive review of the question of the payment of honoraria to members serving on organs and subsidiary organs on the United Nations in an individual, personal capacity (concluded)\*\***

DRAFT REPORT OF THE FIFTH COMMITTEE TO  
THE GENERAL ASSEMBLY (A/C.5/L.693)

2. Mr. ARRAIZ (Venezuela), Rapporteur, introduced the draft report of the Fifth Committee on the comprehensive review of the question of the payment of honoraria to members serving on organs and subsidiary organs of the United Nations in an individual, personal capacity (A/C.5/L.693).

3. Mr. SOKIRKIN (Union of Soviet Socialist Republics) proposed that paragraph 10 (b) of the draft report should be amended to indicate that the decision to pay a fee or remuneration to any individual should be taken by the General Assembly on an *ad hoc* basis at the time of appointment and that the Assembly should be informed at that time concerning the financial implications of its decision. To that end, he suggested that the substance of the first sentence of paragraph 9 (d) might be incorporated in the third sentence of paragraph 10 (b).

4. Mr. ARRAIZ (Venezuela), Rapporteur, agreed to amend paragraph 10 (b) as suggested by the USSR representative.

*The draft report (A/C.5/L.693), as amended, was adopted.*

**Salaries of Judges of the International Court of Justice  
(A/4981, A/C.5/876)**

5. Mr. HODGES (United Kingdom) said that, in view of the complicated and delicate nature of the question raised in documents A/4981 and A/C.5/876, his delegation would appreciate a further opportunity to consider the matter. He hoped that no immediate decision would be taken upon it.

6. Mr. CUTTS (Australia) said that the Fifth Committee was faced with a somewhat unusual procedural situation, since it had before it no specific proposals by the Secretary-General nor any recommendations by the Advisory Committee on Administrative and Budgetary Questions. While his delegation was satisfied that there was sufficient justification for increasing the salaries of the judges, it was reluctant to initiate a proposal in that sense, because there was an Australian member serving on the Court. Moreover, there seemed to be little difference between the three

\*Resumed from the 883rd meeting.

\*\*Resumed from the 850th meeting.

alternative methods of adjustment considered by the Advisory Committee in paragraph 13 of its report (A/4981). His delegation would, therefore, support any proposal for increasing the Judges' salaries that might win majority support.

7. Mr. TURNER (Controller) said that the three alternative procedures suggested by the Advisory Committee in paragraph 13 of its report would involve additional annual expenditure in the following amounts: alternative (a)—\$115,500; alternative (b)—\$98,000; and alternative (c)—\$77,000.

8. Mr. AGHNIDES (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said it was clear from the report by the late Secretary-General (A/C.5/876) that he had favoured an increase in the salaries of the Judges of the Court but had been loath to take any initiative in the matter. The Advisory Committee, by the very nature of its functions, could take no such initiative, but as it had stated in paragraph 14 of its report, it would favour the method envisaged in paragraph 13 (c) of the report, which it considered reasonable and fair.

9. Mr. KITTANI (Iraq), supported by Mr. BURLESON (United States of America), also thought that the salaries of the Judges should be increased, but that the matter could be discussed more expeditiously on the basis of a specific proposal. He recalled that, as was stated in footnote 2 to document A/4981, there was no machinery for the periodic review of the salaries of the judges or of the Secretary-General. Since it was difficult for the Secretary-General to propose an increase in his own salary, the Fifth Committee might take advantage of the opportunity afforded by the present discussion to draw the attention of the General Assembly to the question and suggest that it should be taken up at the appropriate time.

10. Mr. LIVERAN (Israel) felt that the Committee should not lose sight of the difference between judicial and other salaries. He recalled that the salaries of the Judges of the Court had initially been fixed at a level which took account of the need to ensure their complete independence and of the fact that judicial salaries in national courts were somewhat higher than those of the equivalent ranks of the civil service. Moreover, since the stability of courts should be reflected in the stability of Judges' salaries, he questioned the advisability of linking those salaries to such swiftly changing circumstances as the cost of living: it was preferable that judicial salaries should be altered very infrequently, perhaps only once every ten years. For those reasons, he felt that the salaries of the Judges of the Court should be established and maintained for a considerable period of time at a level higher than would be warranted by strict mathematical computations.

11. Mr. ITO (Japan) said that, while Japan was not in a position to initiate any proposal in regard to the salaries of the Judges of the Court, because one of the Judges was a Japanese national, his delegation would support a proposal for some increase in the salaries of members of the Court. Of the three alternatives given in paragraph 13 of the Advisory Committee's report, his delegation did not favour the one in subparagraph (a), which it felt was unrealistic; it would support alternative (b) or (c), although it would prefer (b), if the amount involved were expressed in round figures.

12. Mr. WALKE (Pakistan) said that his delegation was convinced of the need to increase the salaries of the Judges of the Court and would submit a proposal to that effect after consultations with other delegations.

#### AGENDA ITEM 64

##### Personnel questions (continued):

##### (c) Other personnel questions (A/4955, A/C.5/883) (continued)

*The Committee approved, by 44 votes to 1, with 10 abstentions, the Secretary-General's proposals relating to the education grant (A/C.5/883), as agreed to by the Advisory Committee (A/4955), with the exception that, as recommended by the Advisory Committee, the maximum amount of the grant should be fixed at \$600.*

#### AGENDA ITEM 93

##### An international investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and members of the party accompanying him

##### Compensation to the families of the victims (A/C.5/896 and Add.1)

13. The CHAIRMAN referred to a letter dated 26 October 1961 which he had received from the President of the General Assembly drawing the attention of the Fifth Committee to the terms of operative paragraph 6 of General Assembly resolution 1628 (XVI) under which the General Assembly decided to consider, in the appropriate Committee, during the current session, the question of offering suitable remuneration to the families of the victims of the air disaster in which the late Secretary-General and his party had lost their lives.

14. He (the Chairman) suggested that the Fifth Committee might wish to report to the General Assembly the facts contained in documents A/C.5/896 and Add.1 and to instruct the Rapporteur accordingly.

*It was so decided.*

#### AGENDA ITEM 62

##### Administrative and budgetary procedures of the United Nations: report of the Working Group appointed under General Assembly resolution 1620 (XV) (A/4971) (continued)

15. Mr. VENKATARAMAN (India) suggested that it would be unrealistic for the Committee to discuss the report of the Working Group of Fifteen on the Examination of the Administrative and Budgetary Procedures of the United Nations (A/4971) without reference to another agenda item to be considered by the Committee, item 55—United Nations operations in the Congo: cost estimates and financing. Duplication could be avoided and a more fruitful discussion could take place if the two agenda items were considered jointly.

16. Mr. HODGES (United Kingdom) agreed in principle with the Indian representative, as it would be helpful to consider the views of the Working Group in relation to a specific case.

17. However, since the discussion of item 55 could not take place immediately, the Committee might proceed to consider certain parts of the Working Group's report, on which a wide measure of agreement

had been reached. One of those was section D, which related to the proposal that the General Assembly should request an advisory opinion from the International Court of Justice regarding the difference of opinion which had been expressed about the legal nature of financial obligations arising out of peace-keeping operations. While he recognized that some Governments regarded the issue as a purely political one which did not call for any intervention by the Court, the debate in the Working Group had revealed a divergence of views regarding the legal obligations of Members to contribute to the financing of peace-keeping operations. The Court, therefore, appeared to be the body from which the General Assembly should request advice on the legal aspect of the matter.

18. The Committee could also proceed to discuss section H of the report, which contained some suggestions of a practical and non-controversial nature.

19. Mr. BENDER (United States of America) said he was in general agreement with the Indian representative, but concurred with the United Kingdom representative's view that section H of the report might be discussed immediately. In his opinion, the proposal contained in section D should be considered at a later stage.

20. Mr. SOKIRKIN (Union of Soviet Socialist Republics) said that when the questions to be studied by the Working Group had been discussed at the fifteenth session, his delegation had expressed the view that those questions should include not only administrative and budgetary procedures relating to peace-keeping operations, but also those relating to the financing of operational programmes in the economic, social and technical assistance fields. It had emphasized that the General Assembly and the Economic and Social Council could only recommend that Members should take certain action with regard to operational programmes; they could take no decision imposing on Members any obligation relating to the implementation of such programmes. It was for Members themselves to decide how far it was necessary or feasible for them to take implementing action. There was, therefore, a clear need for separate administrative and operational budgets.

21. Any recommendation that operational activities should be undertaken in the fields he had mentioned called for discussion and agreement between the parties involved. The adoption of a specifically operational budget financed on a basis different from that of the regular budget would enable the United Nations to expand its economic, social and technical assistance programmes. Members could contribute to the financing of such programmes in their own currency and could furnish their own experts and equipment where necessary. Wider participation would thus be achieved.

22. That broader question had not been considered by the Working Group. It went beyond the particular question of the financing of operations in the Congo and should be considered in the light of the provisions of the Charter. He regretted that his delegation's proposals for a financing procedure involving separate budgets had not been reflected in the Working Group's report.

23. The CHAIRMAN suggested that, at the present stage, the Committee should consider only sections H and D of the Working Group's report.

*It was so decided.*

24. Mr. HODGES (United Kingdom) said that the USSR representative would perhaps agree, despite his stand on the broader implications of the Working Group's proposals, that the question of methods and procedures for covering the cost of peace-keeping operations, which was dealt with in section H, had come to be regarded as the Working Group's primary concern. He thought it might be possible to make some progress by discussing the suggestions contained in that section.

25. Mr. VENKATARAMAN (India) agreed; since there had been little divergence of view on the matter in the Working Group, the proposals contained in the section might be quickly disposed of by putting them to the vote one by one.

26. Mr. HODGES (United Kingdom) pointed out that the Working Group, although largely in agreement on the proposals in section H, had decided to request the comments of the Advisory Committee on Administrative and Budgetary Questions. Before proceeding to a vote, therefore, delegations might wish to consider the Advisory Committee's comments (A/4971, annex I) with a view to improving the formulation of the proposals.

27. The CHAIRMAN suggested that the Committee should consider the proposals in section H one by one, in conjunction with the relevant comments of the Advisory Committee.

*It was so agreed.*

28. Mr. TURNER (Controller) said he wished to inform the Committee that the comments of the Advisory Committee on the proposals in section H were regarded by the Acting Secretary-General and the Secretariat as sound, reasonable and useful, and as an accurate reflection of their own views on the matters in question.

*Paragraph 39*

29. Mr. ROSHCHIN (Union of Soviet Socialist Republics) stated that, in the Working Group, the USSR had supported the proposal contained in paragraph 39; its support had been based on the principle that, under Article 11 of the Charter the Security Council alone was empowered to take decisions on the financing of operations for the maintenance of international peace and security.

30. Mr. HODGES (United Kingdom) pointed out that, as drafted, the proposal left open the difficult political, constitutional and legal issues involved in the question of the financing of peace-keeping operations; hence, it could be discussed without entering into the substance of the USSR reservation. The intention of the proposal was plain, and it would meet the desire of many delegations that as precise information as possible should be available at the outset on the financial implications of any decision to undertake a peace-keeping operation.

31. The CHAIRMAN, noting that there were no further comments, said he assumed that the Committee was prepared to endorse the proposal contained in paragraph 39, subject to the Advisory Committee's views.

*It was so agreed.*

32. Mr. FENOCHIO (Mexico) said that Mexico wished to adhere to the position it had taken in the Working Group and to abstain on the proposal.

*Paragraph 40*

33. Mr. ROSHCHIN (Union of Soviet Socialist Republics) noted that there had been a division of opinion

in the Working Group on the proposal contained in paragraph 40. When the same question had come up at the fifteenth session during the discussion of the question of the United Nations operations in the Congo, the USSR delegation had taken the stand that, under Articles 11 and 43 of the Charter, the Security Council alone was empowered to take decisions on the financing of operations undertaken for the maintenance of international peace and security. Article 43 specified that special agreements governing the armed forces, assistance and facilities to be provided by individual Member States for the purpose of such operations should be negotiated between the Security Council and the Member States concerned. The decision on the method of financing all aspects of each peace-keeping operation must be taken at the same time as the decision to initiate the operation, and must be taken by the same body, the Security Council. There was nothing in the Charter to justify the intervention by the General Assembly in that matter.

34. In the Working Group, the USSR had opposed the proposal in paragraph 40 on those grounds and its objections were still valid.

35. Mr. TURNER (Controller) suggested that since the proposal clearly had political and well as procedural implications, it might perhaps be advisable at the present juncture for the Committee simply to take note of it and of the relevant comments by the Advisory Committee. Moreover, in view of the proposal's repercussions on the annual resolution on unforeseen and extraordinary expenses, it might be preferable to take up its purely procedural aspects later, when that resolution was under discussion.

36. Mr. LIVERAN (Israel) thought it might be appropriate to raise the question of the interpretation of the term "unforeseen and extraordinary expenses". In an earlier discussion of some budgetary items under that heading, there had seemed to be some support for drawing a distinction between funds required for a new activity that had not been foreseen at the time the budget had been adopted and additional funds required over and above the budgetary appropriation already made for a specific activity. One body of opinion had apparently held that funds in the former category might properly be classed as unforeseen and extraordinary expenses, whereas funds in the latter category might not. He wondered whether the Working Group and the Advisory Committee had had occasion to consider that point; he would be grateful for any enlightenment that could be given on the matter.

37. Mr. BENDER (United States of America) proposed that, in view of the observations that had been made, consideration of paragraph 40 should be deferred until the remainder of the report was taken up.

*It was so agreed.*

#### *Paragraph 41*

38. Mr. TURNER (Controller) said that the proposal in paragraph 41 related to what was essentially a technical and procedural matter which would have to be dealt with on an *ad hoc* basis in the light of the circumstances of each particular case. He therefore associated himself with the very sound view expressed by the Advisory Committee in its comments.

39. Mr. GANEM (France) recalled that, in the Working Group, France had reserved its position on the proposal in paragraph 41. He would, however, be able to support a formula based on the Advisory Com-

mittee's views, if they were accepted by the Fifth Committee.

40. Mr. KITTANI (Iraq) stated that his delegation had no objection to the proposal in its present form, especially in view of an assurance given by the Controller that, in practice, it was unlikely to create any administrative or budgetary difficulties. It was conceivable, however, that a situation might arise in which the amount reimbursable to a Member would be less than its assessed contribution and it would be necessary to decide whether to wait until the final amount to be reimbursed was known or to collect the assessed contribution. However, if the Controller was satisfied with the wording as it stood, he would raise no objection.

41. Mr. TURNER (Controller) felt able to give an assurance that the Secretariat would see to it that such an unfortunate situation did not in fact arise. No difficulty of the kind had so far arisen and, so far as he could foresee, it would be possible to meet the situation of Member States without prejudice to the financial position of the United Nations.

42. Mr. ROSHCHIN (Union of Soviet Socialist Republics) considered that the matter dealt with in paragraph 41 should be covered in the decision of the Security Council on each peace-keeping operation. The financing procedures to be followed might vary according to the number of Member States taking part in an operation. Hence, it would be undesirable to lay down a rigid formula.

43. Mr. HODGES (United Kingdom) thought that, in the light of the Controller's statement, the best procedure for the Fifth Committee would be to take note of the proposal contained in paragraph 41 and to endorse the Advisory Committee's opinion on that paragraph as set out in annex I to the report.

44. Mr. ROSHCHIN (Union of Soviet Socialist Republics) thought that operational expenses should be treated separately from administrative expenses in order to eliminate financial confusion and preclude political complications. The operational budget would consist of special accounts set up in accordance with decisions taken by the Security Council. Such a system would contribute to the financial stability of the Organization. There could be no basis for a decision on paragraph 41 until the larger problem was solved and he would, therefore, abstain in the vote on that paragraph.

45. Mr. HODGES (United Kingdom) felt that the point raised by the Soviet Union representative was irrelevant to the particular issue under discussion, because the words "the assessed contribution of the Member concerned" meant that Member's assessment in respect of the expenses of the operations in question.

46. Mr. TURNER (Controller) endorsed the United Kingdom representative's interpretation of the words he had quoted. Separate accounts were maintained for all Special Accounts in accordance with regulation 11.3 of the Financial Regulations. It was merely a matter of bookkeeping to offset the reimbursement due to a country for the supply of troops or equipment against its assessed contribution.

47. Mr. FENOCHIO (Mexico) said that his delegation would abstain in the vote on the paragraph.

48. Mr. SERBANESCU (Romania) said that his delegation reserved its position on the paragraph.

49. The CHAIRMAN suggested that the Committee should take note of the proposal contained in paragraph 41 of the Working Group's report and endorse the observations of the Advisory Committee on the subject, and that its report should reflect the comments made by representatives.

*It was so decided.*

*Paragraph 42*

50. The CHAIRMAN suggested that the Fifth Committee should take note of the proposal contained in paragraph 42 of the Working Group's report and should endorse the observations made by the Advisory Committee on the subject.

*It was so decided.*

*Paragraph 43*

51. Mr. VENKATARAMAN (India), supported by Mr. ROSHCHIN (Union of Soviet Socialist Republics), Mr. ZARROUG (Sudan) and Mr. SANU (Nigeria), expressed the view that the matter raised in paragraph 43 should be left to the discretion of the Secretary-General and that the Fifth Committee need make no recommendation. He would, therefore, abstain in the vote on the paragraph.

52. Mr. GANEM (France), supported by Mr. GREZ (Chile), felt that the question was part of the larger and more controversial issue of the re-establishment of the post of Under-Secretary-General for Adminis-

trative Affairs which the late Secretary-General had requested in his comments (A/4794) on the report of the Committee of Experts on the Activities and Organization of the Secretariat (A/4776 and Corr.1). Since the matter should be approached with caution, his delegation doubted whether the Fifth Committee should take note of the paragraph.

53. Mr. CUTTS (Australia) thought that the proposal essentially related to a question of detail which was better left to the Secretary-General; his delegation, therefore, endorsed the Advisory Committee's comment on the paragraph in annex I to the report. The Fifth Committee should merely take note of the proposal, but should not endorse it, because it should not prejudge the action the Acting Secretary-General or the future Secretary-General might take in the matter.

54. Mr. FENOCHIO (Mexico), Mr. EL-MESSIRI (United Arab Republic) and Mr. RAFFAELLI (Brazil) said that they would abstain in the vote on the paragraph.

55. The CHAIRMAN noted that the Fifth Committee wished to confine itself to a decision that its discussion of the paragraphs should be reflected in its report.

*It was so decided.*

The meeting rose at 12.55 p.m.